

2342
Samuel A Harris

B I L L

IN THE

Chancery of *New-Jersey*,

AT THE SUIT OF

John Earl of *Stair*, and others, Proprietors
of the Eastern-Division of *New-Jersey*;

AGAINST

Benjamin Bond, and some other Persons of *Elizabeth-*
Town, distinguished by the Name of the *Clinker Lot Right Men*.

WITH

Three large MAPS, done from COPPER-PLATES.

To which is added;

The P U B L I C A T I O N S

O F

The Council of Proprietors of *East New-Jersey*,

A N D

Mr. NEVILL's Speeches to the General Assembly,

C O N C E R N I N G

The R I O T S committed in NEW-JERSEY,

A N D

The Pretences of the Rioters, and their Seducers.

These Papers will give a better Light into the History and Constitution of NEW-JERSEY, than any Thing hitherto published, the Matters whereof have been chiefly collected from Records.

Published by SUBSCRIPTION:

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ERRATA, in the BILL.

- FOR Lord Barclay, where it occurs, read Lord Berkely.
Page 15. col. 1. line 30. for *remaining*, read *Remainder*.
P. 15. col. 2. l. 21. for *holden of*, r. *holden as of*.
P. 17. col. 2. l. 52. for *Compis*, r. *Compos*.
P. 21. col. 1. l. 48. for *in*, r. *as*.
P. 25. col. 2. l. 25. for *River*, r. *Bay*.
l. 26. for *that*, r. *as*.
l. 37. for *and*, r. *or*.
l. 55. for *said Lands*, r. *Land*.
P. 33. col. 1. l. 28. for *with settling*, r. *settling with*.
P. 34. col. 1. l. 22. for *any License*, r. *my License*.
l. 50. for *own Lotts*, r. *own home Lotts*.
l. 58. for 13th. r. 23^d.
P. 34. col. 2. l. 8. for *and Council*, r. *and his Council*.
P. 35. col. 2. l. 26. for *witnesfed*, r. *notified*.
P. 38. col. 1. l. 53. for *and*, r. *or*.
l. 56. for *of the several*, r. *of several*.
l. 59. for *January*, r. *February*.
P. 38. col. 2. l. 23. after *River* add, *next adjoining to and below a certain Creek in Delaware River*.
l. 26. after *Latitude*, add, *and crosseth over thence in a streight Line to Hudson's River, in 41° of Latitude*.

- P. 38. col. 2. l. 43. for *the Governor*, r. *our Governor*.
P. 39. col. 1. l. 4. for *Deputy*, r. *Deputies*.
l. 12. for *Land*, r. *Lands*.
l. 59. for *as it was*, r. *it was*.
P. 39. col. 2. l. 58. for *Instrument*, r. *Instructions*.
P. 40. col. 1. l. 3. for 13th, r. 31st.
P. 42. col. 1. l. 49. for 15th Day, r. *End*.
col. 2. l. 4. for *conceive*, r. *conclude*.
P. 82. Link 13. for *Robert West*, r. *Richard Mew*.
Link 17. for *Richard Mew*, r. *Robert West*.
P. 83. for C N° 2. r. C N° 3.

ERRATA, in the PUBLICATIONS.

- PAGE 3. col. 1. l. 35. for *Sail*, r. *Soil*.
Page 10. col. 1. l. 20. for 13,5000, r. 13,500.
P. 33. col. 2. l. 8. for *is*, r. *are*.
P. 34. col. 2. l. 48. for *named it*, r. *named in it*.
P. 35. col. 2. l. 9. for *on*, r. *in*.
P. 36. col. 2. l. 73. for *Licenses*, r. *License*.
P. 38. col. 2. l. 46. for *would*, r. *could*.
l. 74. for *Prompters*, r. *Promptor's*.
P. 39. col. 1. l. 10. for *rightly*, r. *rightfully*.





O His Excellency, *LEWIS MORRIS*, Esq; Captain General and Governour in Chief of the Province of *New-Jersey*, and Territories thereon depending in *America*, and Vice-Admiral in the same; IN CHANCERY HUMBLY COMPLAINING, shew unto Your Excellency: Your Orators
 10 *John* Earl of *Stair*, *John Penn*, *Thomas Penn*, *Richard Penn*, *John Child*, *Levy Ball*, *Francis Minsbull*, *Joseph Mico*, *Henry Greenaway* and *Thomas Knap*, in Behalf of themselves, and other Proprietors of the
 15 Eastern Division of *New-Jersey*, commonly called and known by the Name of the *New-Jersey Society*; *Samuel Nevill*, *John Hamilton*, *James Hamilton*, *Robert Hunter Morris*, Devisee in Trust of the Estate of
 20 *Richard Ashfield*, deceased, *James Alexander*, *Daniel Donaldson Dunstar*, *Samuel Leonard*, *Thomas Leonard*, *John Burnet*, *Andrew Home*, *Isabella Kearney*, *Andrew Vanborne* and *Mary* his Wife, *John Budd*, *Isaac Sharp*, *Joseph*
 25 *Sharp*, *Adam Hude*, *Elisha Parker*, *George Lesly*, *Andrew Johnston*, *Lawrence Smyth*, which *Andrew* and *Lawrence* are Executors Devisees of Doctor *John Johnston*, deceased, *John Furman*, *John Alexander* of *Aberdeen*
 30 in *Scotland*, General Proprietors of the Eastern Division of *New-Jersey*, in Behalf of themselves and the rest of the General Proprietors of the said Eastern Division of *New-Jersey*; *John Vail*, *Daniel Cooper*,
 35 Purchasers under the said General Proprietors, and *John Redford* and *Arthur Brown*, claiming under Patents for Head-Lands from the said General Proprietors on Quit-Rent.

That *Sebastian Cabot*, a Subject of *England*,
 40 was employed by *HENRY* the Seventh, King of *England*, to discover a North-west Passage to *China*; and in that Service, in or about the Year One Thousand Four Hundred and Ninety Seven, he discovered all the North-
 45 East Coast of *America*, from *Cape Florida*, in Twenty-five Degrees North Latitude, to Sixty-seven Degrees and an half; as appears by the third Volume of *Hackluit's Voyages*, printed in 1600, from page 4 to 11, and in
 50 pag. 172, 173; *Salmon's Modern History*, Vol. 30, pag. 392, &c. by which the Crown of *England* became intitled thereto, so far as the Right of first Discovery could intitle.

That *Sir Walter Raleigh*, an Englishman
 55 born, in or about the Year One Thousand

Five Hundred and Eighty-four, sent two Vessels to the North-East Coast of *America*, so discovered, in order to remain and plant there; which Vessels landed their People therein (at the Place now called *Roanoak*, in
 5 *Carolina*) and took Possession thereof in the Name of *ELIZABETH*, then Queen of *England*; and they settled and remained there for some Years; and they called the same North-East Coast of *America*, by the Name
 10 of *Virginia*, alluding to her being a Virgin Queen; as appears by the said Book of *Hackluit's*, from pag. 243 to 295, and also from the Book called, *The British Empire in Ame-*
 15 *rica*, printed in 1708, in pa. 25, 209 & 210.

That from the Year 1584, to the Year 1606, there were many Voyages made by the Subjects of *England*, to sundry Parts of the said North-East Coast of *America*, who landed and took Possession thereof for the Crown
 20 of *England*; as appears by the said Book of *Hackluit's*, from pag. 29 to 201, from 243 to 295, 573; and also from the said Book called the *British Empire in America*, in pag. 26, 218, 219; and also from a Book called,
 25 *The History of Virginia*, by *R. B. Gent*. 2d Edition, printed in 1722, pag. 1 to 12: And that on the 10th of *April*, in the Year 1606, two Companies were incorporated by Letters Patent from *JAMES*, then King of
 30 *England*, by the Names of the *South Virginia Company*, and *North Virginia Company*; by which the *South Virginia Company* had Licence to seat themselves at any Place on the said North East Coast of *America*, between the
 35 Latitudes of 34° and 41°; and from the Place of their Settlement, there was thereby granted to them, 50 Miles both Ways along the Sea-Coast, and 100 Miles back from the Sea; and in like Manner the said *North Virginia*
 40 Company had Licence to seat themselves at any Place on the said North-East Coast of *America*, between the Latitudes of 38° and 45°; by Virtue whereof the *South Virginia Company* first seated themselves in the Bay of
 45 *Chesapeake*, in the Year 1607; but the *North Virginia Company*, tho' they sent many Ships to trade within the Limits of their Charter, yet they did not make any lasting Settlement in it till 1620, when they first settled at a
 50 Place called *Plymouth*, in *New-England*; as by *Salmon's* Volume aforesaid, pag. 430, and said *History of Virginia*, pag. 13 and 14, and the *British Empire*, pag. 29 and 220, appears.

A

That

55

That Capt. *Henry Hudson*, an Englishman, discovered *Hudson's River*, in or about the Year 1608, the Mouth whereof being in the Latitude of 40° 20' North Latitude; the same Mouth, and a considerable Part of the River, does lie within the Limits of both the Corporations aforesaid; and he the said *Hudson*, without Licence of the King of England, sold his Discovery to the Dutch; under Colour of which, the Dutch West-India Company made some Settlements on *Hudson's River* aforesaid.

That Sir *Samuel Argal*, Governor for the South Virginia Company, discovering the Dutch to be settled on *Hudson's River*, within the Limits of the Letters Patents to the South Virginia Company, did drive the Dutch out of those Settlements, in or about the Year 1618; as by the said Book called *the British Empire*, pag. 117 & 235; *Ogelby's America*, printed in 1671, pag. 168, appears.

That the Dutch West-India Company, in or about the Year 1620, upon Application to King *JAMES the First of England*, obtained Leave of him to build some Cottages upon *Hudson's River*, for the Conveniency of their Ships touching there for Fresh-Water and Provisions in their Voyage to *Brazil*; under Colour of which Licence, the said Dutch West-India Company settled a Colony, then called *New Netherlands*; as by the said Book called *the British Empire*, in pag. 118, *Ogelby's America*, 169, doth appear; which Colony called *New Netherland*, included all *New-Jersey* and *Hudson's River*, and *Delaware River*, and the greatest Part of the now Colonies of *New-York* and *Pennsylvania*, lying on both Sides of *New-Jersey*.

And your Orators do shew unto Your Excellency, That Complaint being made to King *CHARLES the First*, of those Proceedings of the Dutch there, he caused the same to be represented by his Ambassador to the *States General*; who disowned the Business, and declared, by publick Instrument, that it was only a private Undertaking of the West-India Company of *Amsterdam*; as by *Ogelby's America* aforesaid, printed in 1671, pag. 169, appears.

The Town then called *New Amsterdam*, and *Manadas*, which is now the City of *New-York*, was the first Settlement and chief Town of the Dutch upon *Hudson's River*, and the Place of Residence of the Director General of *New-Netherland*; and *Fort Casimier*, now called *New-Castle*, on the West Side of *Delaware River*, was their chief Town upon *Delaware River*; and the Roads from the One to the Other of the said Towns, pass thro' the Lands in Question by this Bill; as is

represented in the Map, N^o I. annexed; which is copied from part of *Popple's* large Map of the English Colonies in *America*, except the red, blue, green and yellow Colours, and the Notes, which are added; and more distinctly by the Map, N^o II. annexed.

And your Orators do shew unto Your Excellency, That the Tide flows up *Raritan River*, to *New-Brunswick*; represented on the Map, N^o II. where, in the Dutch Time, and as yet, the Road to *Delaware River* from *New-Amsterdam*, did cross; and at *New-Brunswick* the said *Raritan River*, about Low-water, then was and as yet is fordable, and usually crossed on Horseback; and that the Tide of *Delaware River* runs up to or near *Delaware Falls*; and at Low-water and when there are no Land-Floods, is fordable at said Falls, and was and is usually crossed a Horseback; and at no Places below *New-Brunswick* and *Delaware Falls*, are or ever were the said Rivers *Raritan* and *Delaware* fordable.

And your Orators do further shew; That where *Burlington* now stands, there were three Dutch Families settled in the Dutch Time, as by a Certificate under the Hand of Governor *Carteret*, dated the 14th of May, 1675, and recorded in Lib. 3, pag. 74; that these Families were settled long before the Surrender of the Dutch, at *Lazy-Point*, over against *Mattinickunk Island*; and at his being there in May 1666, he made them a Promise according to the Articles of Surrender, to confirm their Interest by Patent; and by Lib. 3, 20, 74 and 36, it appears, that one *Peter Jegow*, in the Years 1668, and 1670, had Licence for and kept an House of Entertainment, for Accommodation of Passengers, Travellers and Strangers, over against *Mattinickunk Island*; and by Lib. 1, 26, Deeds, the said *Jegow* is Grantor of a Conveyance in 1671, wherein he calls himself of *Lazy-Point*, over against *Mattinickunk Island*; which Island is said to be 8 or 9 Miles below *Delaware Falls*, by Deed dated in 1675, recorded in *New-York Records*, in a Book called *Foreign and Domestick*, 1674, 1677, pag. 57; and was leased to *Robert Stacy* for seven Years; as by Lease in *New-York Records*, dated in 1678, in a Book of Entries, 1677 to 1681, pag. 155; and which Island is between *Burlington* and *Bristol*, and retains that Name as yet, at least it did so in the Year 1710, as by Deeds to Brigadier *Robert Hunter*, dated the 25th and 26th of January, 1710, for the same Island by that Name, recorded in Lib. B. No. 2, in the Secretary's Office at *Pertb-Amboy*, pag. 42 to 47, may appear; and by which Point the Lower Road from *New-Amsterdam* to *Delaware*

Delaware, or the *Zuydt River*, in the Dutch Time, and as yet doth cross by a Ferry there; which two Roads are represented in the Map, N^o. II. annexed.

5 And your Orators charge, there was no Settlement in the Dutch Time, nor long after, at *Perth-Amboy*, nor near to it on *Staten-Island* over against it; nor on the South Side of *Rariton* over against it, nor no Ferry then
10 kept there; nor was there any Road in the Dutch Time that Way used, nor at any Place lower down the *Raritan River* than where *New-Brunswick* now stands, which was formerly called *Indians's Ferry*; and which Road
15 still continues the principal and most frequented Road, notwithstanding many Endeavours to make it pass through *Perth-Amboy*.

That the Heer *Michael Pauw*, a Dutch Subject, on or about the 10th Day of *August*,
20 1630, by Deed, purchased *Staten-Island* of the native *Indians*; which Island lies on the East Side of the Lands in Question by this Bill, separated from them by a narrow Creek, as is represented in the Map, N^o II. annexed,
25 by what's within the green Colour; which Map, N^o II. is copied from part of a Map made by *Cadwallader Colden*, Esq; Surveyor-General of the Province of *New-York*, except the red, blue, green and yellow Colours, and
30 the Notes, which are added; and which Deed is recorded in Lib. A. Dutch Record, in the Secretary's Office of *New-York*, pag. 6.

That the *Indians*, by Deed dated the 30th of *January*, 1658, did sell to the Lord Director General and Council of *New-Netherland*,
35 a Tract of Land bounded as in the said Deed, and is that Tract of Land called *Bergen*; which Tract of Land lies on the North-East Side of the Lands in Question, separated from
40 them by the Bay formerly called *Arthur Cull Bay*, and now *Newark-Bay*, or *Hackinsack-Bay*; a Translation whereof is recorded Lib. 1, fol. 3, in the Secretary's Office at *Perth-Amboy*, and which is represented on said Map,
45 N^o II. annexed, by what's within the blue Colour there.

That *Augustine Herman*, a Dutch Subject, purchased the greatest Part of the Lands in Question by this Bill, from the native *Indians*,
50 by Deed dated the sixth Day of *December*, 1651; which Deed is recorded in said Lib. 1, pag. 9, and which Purchase is represented in Map, N^o II. by the yellow Colour thereon.

That the Dutch Nation continued possessed
55 of *New Netherland*, until the Year 1664; when King CHARLES the Second sent an armed Force there, to dispossess them thereof, under the Command of Sir *Robert Carr* and Col. *Richard Nicholl*; which *Nicholl* had
60 been appointed Governor thereof by the Duke

of *York*: That on or before the twentieth Day of *August*, 1664, aforesaid, the said *Carr* and *Nicholl* arrived before *New-Amsterdam*, now called *New-York*, with the armed Force
aforesaid; and on that Twentieth of *August* 5 summoned the Dutch Governor to surrender *New Netherland*; and Commissioners having been thereupon on both Sides appointed, to treat of Articles of Surrender, such Articles
10 were agreed upon and signed by those Commissioners, and consented to by said *Carr* and *Nicholl* aforesaid, on the 27th Day of *August* aforesaid; and the Possession of *New Netherland* was thereupon delivered up to them; as
15 by the said Summons and Articles of Surrender, recorded in the Secretary's Office of *New-York*, in a Book entitled, A Book of Entries begun in the Year 1664, and ending in 1665, mark'd A. may fully appear.

And Your Orators do say, they have been 20 the more particular in the preceeding Matters, in order to obviate an Objection which the Defendants and Confederates have often made in the Courts of Law, viz. That King *Charles* the Second was never seized of the Lands in
25 Question, wherefore Nothing thereof pass'd by his Grants to the Duke of *York*, herein after mentioned; and that even tho' they be estopped in Effect from making such Objection, by the very first Act of Assembly in the
30 printed Book of Laws; which Act is herein after inserted, and which Act makes all Titles but those derived from the Crown of *England*, void, and those only good that are so derived:
35 But as now your Orators come into a Court of Equity, they are willing (seeing they can as before and herein after) to shew an actual Seizin in King CHARLES the Second, by the first Discovery; by Settlements of the said two
40 Virginia Companies; by the Dutch Purchase thereof aforesaid from the *Indians*; by the Dutch using it in daily passing through it to and from the North River and the South River, and by their being but Tenants at
Will there to the Crown of *England*; and by 45 the Conquest thereof in 1664, as aforesaid; by the Dutch Cession thereof; by the Treaty of *Breda*, in 1667, herein after mentioned; by the Dutch Re-conquest thereof in 1673, and by their absolute Concession thereof to
50 King *Charles* the 2d, in 1673-4, herein after mentioned, before his second Grant to the Duke of *York*, herein after mentioned.

And your Orators do further shew unto Your Excellency, That King CHARLES the
55 Second being intituled to *New Netherland*, as aforesaid, and to sundry other Tracts of Land in *America*, by Letters Patents under the Great Seal of *England*, bearing Date the
twelfth Day of *March*, One Thousand Six 60

Hundred and Sixty three-four, and in the Sixteenth Year of his Reign, did, amongst other Things, give and grant, to his Brother *James Duke of York*, his Heirs and Assigns, all that Island or Islands commonly known by the Name of *Mattowacks* or *Long-Island*, situate and being towards the West of *Cape Cod* and the *Narrow Higgansets*, butting upon the Main-Land between the two Rivers there called or known by the several Names of *Connecticut* and *Hudson's River*, together also with the said River called *Hudson's River*, and all the Lands from the West Side of *Connecticut River*, to the East Side of *Delaware Bay*; together with all Royalties, and all his said Majesty's Estate, and together with the Right of Government, to him, his Heirs and Assigns; as by the said Letters Patent, recorded in the Secretary's Office of *New-York*, and also in the Secretary's Office of *New-Jersey*, in Lib. C. No. 3, pag. 149 to 154, Reference being thereunto had, more fully may appear; by Virtue of which Letters Patents, the said Duke of *York* became seized of and intitled to the Lands thereby granted, of which the Tract of Land afterwards called *New-Jersey*, was a Part, and of which the Lands in Question are Part.

And your Orators do further shew unto Your Excellency, That the said *James Duke of York*, being seized of and intitled as aforesaid, by Lease and Release bearing Date the Twenty-third and Twenty-fourth Days of *June*, in the Sixteenth Year of the Reign of King *CHARLES* the 2d, *Annoq; Domini* One Thousand Six Hundred and Sixty-four, for the Considerations therein mentioned, did convey to *John Lord Barclay*, Baron of *Stratton*, and *Sir George Carteret*, of *Saltrum*, their Heirs and Assigns, all that Tract of Land adjacent to *New-England*, and lying and being to the Westward of *Long-Island*, and *Manhattens-Island*, and bounded on the East, Part by the Main-Sea, and Part by *Hudson's River*, and hath upon the West *Delaware Bay* or River, and extending Southward to the Main-Ocean as far as *Cape May*, at the Mouth of *Delaware Bay*, and to the Northward as far as the Northernmost Branch of the said Bay or River, which is in $41^{\circ} 40'$ of Latitude, and crosseth over thence, on a streight Line to *Hudson's River*, in 41° of Latitude; which said Tract of Land, by the said Deeds was to be called by the Name or Names of *New Cesarea* or *New-Jersey*; together with all Royalties and Appurtenances, in as full and ample Manner as the same was granted to the said Duke of *York*, and all his Estate and Right; as by the said Lease and Release, recorded in the said Book C. No. 3,

in pag. 1 to 5, Reference being thereunto had, more fully may appear; and which Line crossing from the Northernmost Branch of *Delaware* to *Hudson's River*, is represented by the red Line on the Map, No. I. annexed.

And your Orators do further shew unto Your Excellency, That a Treaty of Peace was made on the 21st of *July*, 1667, between King *Charles* the 2d, and the *States General*, at *Breda*, by the third Article whereof it was agreed, that both the Parties, and either of them, should keep and possess thereafter, with plenary Right of Sovereignty, Propriety and Possession, all such Lands, Islands, Cities, Forts, Places and Colonies, how many soever, as during the then past War, or in any former Times, they had by Force of Arms, or any other Way whatsoever, gotten and detained from the other Party, and that altogether after the same Manner as they had gotten and did possess them the 10 Day of *May* then last past; as by the printed Book of Treaties may appear, in fol. 55.

And your Orators do further shew unto Your Excellency, That on or about the 17th of *March*, 1671-2, War was proclaimed in *England*, by Order of King *CHARLES* the Second, against the Dutch Nation; and by his Orders, on the Sixteenth Day of *July*, in the Year One Thousand Six Hundred and Seventy-two, the same War was proclaimed in *New-Jersey*, against the Dutch Nation; as by the Proclamation for that Purpose, recorded in Lib. 3, pag. 56, may appear.

And your Orators do further shew unto Your Excellency, That during the said War, and after the said Proclamation of War, to wit. on or about the Thirtieth Day of *July*, One Thousand Six Hundred and Seventy-three, the Dutch Nation conquered the Provinces of *New-York* and *New-Jersey*, and abolished the English Government there; which Fact is notorious, and appears in part for that the last Order of Col. *Loweless*, Governor of *New-York*, on Record there, is in a Book entitled, Entries, 1671, 1673. pag. 287, of *July* 12th, 1673; and the first Act of Government there afterwards, is in the same Book, after four blank Leaves, to wit. a Notification by Governor *Andross*, (of 31st of *October*, 1674) to the neighbouring Governors, of his receiving Possession of *New-York* from the Dutch; and more particularly appears, in that Province, by the Proceedings against Capt. *John Manning*, for delivering up *Fort James* at *New-York*, cowardly to the Dutch, on the said thirtieth Day of *July*; which Proceedings are recorded in the Book of Minutes of the Council of *New-York*, from 1674 to 1678, and in the Minutes of the second

second Day of *February*, 1674, which begin on the twenty-first Page of the said Book ; and the said Dutch Conquest also appears in Part, by the *New-Jersey* Records at *Perth-*
 5 *Amboy*, for that in Lib. 3, pag. 87, is an Act of Governor, Council and Assembly, dated the thirteenth of *June*, 1673, which is the last joint Act of those three Bodies ; and in the same Book, pag. 93, is an Order of the De-
 10 puty Governor and Council, that the Province Prison be in *Bergen*, and its dated the 19th Day of *July*, 1673 ; after which Day no Act of Government whatsoever appears on Record, until the 6th of *November*, 1674 ; when was
 15 published the second Letters Patents to the Duke of *York*, and the Grant from the Duke to Sir *George Carteret*, hereinafter mentioned, with sundry Instructions and Directions from Sir *George Carteret*, Part whereof are herein
 20 after set forth, and which particularly recite these second Grants to be occasion'd by the Dutch Conquest, and Surrender upon Peace, as appears in Lib. 3, aforesaid, in pag. 94 to 107.

And your Orators do further shew unto
 25 Your Excellency, That by Articles of Peace made between King *CHARLES* the Second, and the *States General*, the 13 of *February*, 1673-4, at *London*, the 6th Article is in these Words, " That whatever Country, Island,
 30 " Town, Haven, Castle or Fortrefs, hath " been, or shall be taken by either Party from " the other, since the beginning of the late " unhappy War, whether in *Europe* or else-
 35 " where, and before the Expiration of the " Times above limited for Hostility, shall be " restored to the former Owner, in the same " Condition it shall be in at the Time of pub-
 40 " lishing this Peace ; " as by fol. 180, of the said Book of Treaties, printed in 1685, may appear ; and by Virtue of that last Treaty of
 45 Peace, the Provinces of *New-York* and *New-Jersey*, were again yielded to King *CHARLES* the Second ; as by the several Evidences before offered to prove the Dutch Conquest aforesaid,
 45 may appear.

And your Orators do further shew unto
 Your Excellency, That King *CHARLES* the Second, being by the said Dutch Conquest, and by Virtue of the said Articles of Peace,
 50 seized again of the Provinces of *New-York*, and *New-Jersey* ; afterwards, to wit. the Twenty-ninth Day of *June*, in the Twenty-sixth Year of his Reign, and in the Year 1674, by Letters Patent under the Great Seal of
 55 *England*, of that Date, did grant unto the said *James Duke of York*, his Heirs and Assigns, the several Tracts of Land in *America*, which by the former Letters Patent had been granted to him, of which the Province of *New-Jersey*
 60 was Part, with all Royalties and Right of

Government ; as by the said second Letters Patent, recorded in the Secretary's Office at *Perth-Amboy*, in Lib. E. N^o 2. fol. 515, may appear.

And your Orators do further shew unto 5
 Your Excellency, That the said *James Duke of York*, being by Virtue of the said last Letters Patent, seized again, amongst other Things, of *New-Jersey* ; he, by Lease and Release, bearing Date the Twenty-eighth and Twenty- 10
 ninth Days of *July*, in the said Twenty-sixth Year of the Reign of King *CHARLES* the Second, did convey to the said Sir *George Carteret*, his Heirs and Assigns, all that Tract of Land adjacent to *New-England*, and lying 15
 and being to the Westward of *Long-Island*, and *Manhattens-Island*, bounded on the East, Part by the Main Sea, and Part by *Hudson's River*, and extends Southward as far as a certain Creek called *Barnagat*, being about the middle be- 20
 tween *Sandy Point* and *Cape May* ; and bounded on the West by a straight Line from the said Creek called *Barnagat*, to a certain Creek in *Delaware River*, next adjoining to and be-
 low a certain Creek in *Delaware River* called 25
Rancokus Kill ; and from thence up the said *Delaware River*, to the Northermost Branch thereof, which is in 41^o 40' of Latitude, and on the North crosseth thence in a straight
 Line to *Hudson's River*, in 41^o of Latitude ; 30
 with all Royalties and Appurtenances, in as full and ample Manner as the same were granted to the said Duke of *York* ; as by the same last Lease and Release, recorded in said Book C. N^o 3. in pag. 4, to 7 ; and also in Lib. 3, 35
 pag. 100, more fully may appear ; and which Westerly Bound Line from *Barnagat* to *Delaware River*, is represented on the Map, N^o I. annexed, by the green Line there ; and the Line from *Delaware* to *Hudson's River*, is 40
 there represented by the red Line aforesaid : By Virtue of which two Grants, the said Sir *George Carteret*, by *Philip Carteret*, by him appointed Governor, possessed himself of *East New-Jersey* again ; and the Duke of *York*, by 45
 Sir *Edmond Andross*, by him appointed his Deputy Governor, possessed himself of all the other Tracts so granted to the said Duke of *York* ; and more particularly of *West New-Jersey* ; which the said Sir *Edmond Andross* 50
 held many Years for the Duke of *York*, by Virtue of his second Grant aforesaid, from King *CHARLES* the Second ; and the Dutch Conquest aforesaid, and Surrender on Peace ; and that against all the Claims of the Assigns 55
 of Lord *Barclay*, by Virtue of the Duke's Grant in 1664, and by Virtue of their Partition with Sir *George Carteret*, hereafter mentioned : And Major *Fenwick*, one of the chief Assigns of the said Lord *Barclay*, for 60
 B claiming

claiming Property of Land and Government there, was brought Prisoner to *New-York*, and there committed, and prosecuted at the Assizes there, and found guilty; and only 5 dismissed on his Parol, to make no such Claims again; but failing in his Promise, he was a second Time apprehended and brought Prisoner to *New-York*: And those who came to settle there under the Assigns of Lord *Barclay*, 10 were not permitted to settle as such; but they accepted of Proportions of Land to settle on, from the Duke of *York's* Governor, and submitted to the Government of the Duke in *West New-Jersey*; as fully appears by the 15 Records in the Secretary's Office at *New-York*, and amongst others, by the Book of Minutes of Council, 1674 to 1678, pag. 71, and in Minutes *November* 20 and 23, of 1676, and *December* 16, 1676; and *August* 4th and 20 22d, 1678; and *October* 26th and 28th, 1678; and in a Book of Entries there, 1674, 1690, pag. 231, and 251, &c. And the said Duke so held *West New-Jersey*, with the other Territories granted to him as aforesaid, in 25 1674, as absolute Proprietor both of the Soil and Government thereof, until the Assigns of the said Lord *Barclay* applied to him for a new Grant of *West New-Jersey*; which he was at last pleased to grant to *Edward Billing*, 30 and other the Assigns of Lord *Barclay*, some time in or about the Year 1680; as by an Original Confirmation of *East New-Jersey*, from the Duke to the Grand-Son of the said Sir *George Carteret*, by which it is expressed 35 to be in the same Nature for the Eastern Moiety of *New-Jersey*, as the Grant to *Billing* and others, was for the Western Moiety, and bearing Date the tenth Day of *October*, 1680, here ready to be produced, may appear.

40 And your Orators do further shew unto Your Excellency, That by Indenture Quintipartite, bearing Date the first Day of *July*, 1676, and made between the said Sir *George Carteret* of the first Part, and the Assigns of 45 the said Lord *Barclay* on the other Parts; by which the Assigns of the said Lord *Barclay* did bargain, sell and release to the said Sir *George Carteret*, his Heirs and Assigns, all the Easterly Part of *New-Jersey*, extending East- 50 ward and Northward along the Sea Coast, and *Hudson's River*, from *Little Egg-Harbour*, to that Part of *Hudson's River* which is in 41° of Latitude, and crossing over from thence in a straight Line to the most Northerly Point or 55 Boundary of the said Tract of Land on the Northermost Branch of *Delaware*; and from thence extending in a straight Line unto the most Southerly Point of the East Side of *Little Egg-Harbour*, which was to be the South 60 Partition Point; and it was thereby agreed,

that the Tract so released to the said Sir *George Carteret*, should thereafter be called *East New-Jersey*; and the Remainder of the said Province of *New-Jersey*, was agreed to be called *West New-Jersey*; which by the said 5 Indenture was in like Manner bargained, sold and released to the Assigns of the said Lord *Barclay*; as by the same Indenture, recorded in said Book C. N° 3. pag. 9, to 17, more fully and at large may appear; which 10 Line between *East New-Jersey* and *West New-Jersey*, is represented by the blue Line on the Map, N° I. annexed; and which Line was in the Year 1719, confirmed by the Act of Assembly of *New-Jersey*, which is printed 15 in pag. 80, &c. of the last Edition of the printed Book of Laws, and is herein after in Part recited: By Virtue of which last Lease and Release, and of the said Indenture Quintipartite, the said Sir *George Carteret* became 20 seized in Severalty of *East New-Jersey*, as described in the same Indenture; and being so thereof seized, he, the said Sir *George Carteret*, made his last Will and Testament in Writing, and duly executed it in the Presence of four 25 Witnesses, signing thereto in his Presence, bearing Date the fifth Day of *December*, 1678; by which he constituted his Wife, Dame *Elizabeth Carteret*, his sole Executrix, and thereby appointed the Right Honourable 30 *John Earl of Sandwich*, the Right Honourable *John Earl of Bath*, the Honourable *Barnard Grandville*, Brother of the said Earl of *Bath*, the Honourable Sir *Thomas Crew*, Knight, and Sir *Robert Atkins*, Knight of the 35 *Bath*, and his Brother *Edward Atkins*, to be his Trustees; to whom and to their Heirs, by his said last Will, amongst other Things, he devised all his Plantation of *New-Jersey*, to be sold for the Purposes in the said Will men- 40 tioned; as by the said last Will duly proved in the Prerogative Court of the Archbishop of *Canterbury*; and also recorded in the Secretary's Office at *Perth-Amboy*, in Lib. C. N° 3. pag. 17 to 23, may appear. 45

And your Orators do further shew unto Your Excellency, That the same Dame *Elizabeth Carteret*, together with the Trustees appointed by the last Will aforesaid, by Lease and Release, bearing Date the first and 50 second Days of *February*, in the Thirty-fourth Year of King *CHARLES* the Second, 1681-2, in Performance of the Trust reposed in them, and for the Consideration therein mentioned, did sell all *East New-Jersey* aforesaid, to 55 *William Penn*, *Robert West*, *Thomas Rudyard*, *Samuel Groom*, *Thomas Hart*, *Richard Mew*, *Thomas Wilcox*, *Ambrose Riggs*, *John Haywood*, *Hugh Hartshorn*, *Clement Plumshead*, and *Thomas Cooper*, their Heirs and Assigns; 60 together

together with the Rents, Issues and Profits thereof, and all Arrearages of Rents incurred since the Death of Sir *George Carteret* aforesaid, as by the said Lease and Release recorded in Lib. A. 4 to 12, fully may appear; which 5 Grantees were known and called by the Name of the *Twelve Proprietors of East New-Jersey*: And that the said Dame *Elizabeth Carteret*, by a Deed of Bargain and Sale, bearing Date 10 the said second Day of *February*, 1681-2, as Executrix of the said Sir *George Carteret*, for the Consideration therein mentioned, did bargain, sell, assign and set over, to the said twelve Proprietors, all Rents, Arrearages of Rents, 15 and Sums of Money due to the said Sir *George Carteret*, at the Time of his Death, for or by Reason of any Reservation upon any Grant, or Patent, or otherwise, to any Planters, or for or by Reason of any other Matter whatsoever, relating to the said Tract of Land 20 called *East New-Jersey*; and all the Right of the said Dame *Elizabeth Carteret*, of, in and to the same; as by the said Deed recorded in Lib. A. pag. 12 and 13, more fully may appear. And the said twelve Proprietors by 25 Indenture, dated the first Day of *June*, 1682, did mutually declare the Consideration for their said Purchase to have been paid equally; and therefore, in case of Death of any of them, 30 it was covenanted, that there should be no Benefit of Survivorship; as by the same Deed recorded in Lib. A. pag. 16 and 17, more fully may appear.

And your Orators do further shew unto 35 Your Excellency, That the said twelve Proprietors, did, by twelve separate Deeds, separately convey one Half of their Interest aforesaid, to other twelve Persons separately, to wit, *Robert Barclay*, *Edward Billing*, 40 *Robert Turner*, *James Brain*, *Arent Sonmans*, *William Gibson*, *Gawen Lawry*, *Thomas Barker*, *Thomas Warne*, *James Earl of Perth*, *Robert Gordon* and *John Drummond*, in Fee-simple.

And your Orators do also show, That 45 the said *Thomas Wilcox* conveyed his remaining Half to *David Barclay*, in Fee-simple; ten of which thirteen Deeds do appear upon Record; the Original of one other is here ready to be produced, and the other two, 50 under which your Orators of the *New-Jersey* Society do claim, are now in *England*; but hope they may be here to be produced before Publication in this Cause; and for Brevity's sake, your Orators beg Leave to refer to Schedule, N^o I. annexed, for the Book and Leaf 55 where each of the said Deeds are recorded; which Schedule does also, at one View, show the several Conveyances aforesaid, down from King *CHARLES* the Second, to the said 60 Twenty-four Proprietors.

And your Orators do further shew unto Your Excellency, That the said Twenty-four Proprietors, being by Virtue of the Conveyances aforesaid, seized in Fee, as Tenants in common, of *East New-Jersey* aforesaid, and 5 intitled to all Arrears of Rents due before the Conveyances to them aforesaid, from the Planters; the said *James Duke of York*, by Indenture made the 14th Day of *March*, in the 35th Year of King *CHARLES* the Second, 10 *Annoq; Domini* 1682, for the better extinguishing all such Claims and Demands as the said Duke of *York*, or his Heirs might any Way have, of, in or to *East New-Jersey* aforesaid; did grant, bargain, sell, release and 15 confirm unto the said Twenty-four Proprietors, and to their Heirs, in the Order following, viz. *James Earl of Perth*, *John Drummond*, *Robert Barclay*, *David Barclay*, *Robert Gordon*, *Arent Sonmans*, *William Penn*, *Robert* 20 *West*, *Thomas Rudyard*, *Samuel Groom*, *Thomas Hart*, *Richard Mew*, *Ambrose Rigg*, *John Haywood*, *Hugh Hartshorn*, *Clement Plumstead*, *Thomas Cooper*, *Gawen Lawry*, *Edward Billing*, *James Brain*, *William Gibson*, *Thomas Barker*, 25 *Robert Turner*, and *Thomas Warne*, and to their Heirs and Assigns, all *East New-Jersey* aforesaid, and all Royalties and Appurtenances, and Right of Government thereof, in the fullest Manner; as by the said Indenture, re- 30 corded in Lib. A. 53 to 59, fully and at large may appear.

And your Orator *John Earl of Stair*, doth shew unto your Excellency, That *Robert Barclay*, one of the said Twenty-four Pro- 35 prietors, being seized as aforesaid, by Indenture, bearing Date the 22d Day of *April*, 1684, and in the 36th Year of the Reign of King *CHARLES* the Second, did sell and convey to Sir *John Dalrymple* of *Stairs*, and to 40 his Heirs and Assigns, one 10th Part of one 48th Part of the said Eastern Division of *New-Jersey*, with the Appurtenances; as by a Deed executed by the said *Robert Barclay*, and reciting the said Indenture, and made on 45 Purpose to be sent to *East New-Jersey*, to be recorded; which is accordingly recorded in Lib. A. pag. 227, may appear.

And your Orator further sheweth, That on or about the 8th Day of *April*, 1703, the 50 said Sir *John Dalrymple*, was, by Queen *ANNE*, created Earl of *Stair*; and in or about the Year 1706, the said *John Earl of Stair* died, seized of the said one 10th Part of one 48th Part of *East New-Jersey* aforesaid, by 55 Reason whereof, the same descended to your Orator *John Earl of Stair*, as his eldest Son and Heir; and so your Orator became and is seized of the said one 10th of one 48th Part, of *East New-Jersey* aforesaid. 60

And

And your Orators *John Penn, Thomas Penn* and *Richard Penn*, do shew unto Your Excellency, That *William Penn* being seized of one 24th Part of *East New-Jersey*, as aforesaid, by his last Will and Testament, duely made and signed by him in the Presence of three credible Witnesses, signing thereto in his Presence, on or about the 27th Day of May, 1712, did thereby appoint Trustees, to whom he devised all his Estate in *New-Jersey*, upon Trust, to convey it to his Children, as therein is directed; as by the said last Will, duely proved in the Equity Side of the Court of Exchequer at *Westminster*, and certified under the Seal of the said Court of Exchequer, and recorded at *Perth-Amboy*, in Lib. A. B. pag. 83, fully may appear.

And your Orators *John Penn, Thomas Penn* and *Richard Penn*, do further shew unto Your Excellency, That the surviving Trustees by the said last Will appointed, by Deed, bearing Date the 14th Day of July, 1735, did, pursuant to the Trust reposed in them, convey to your Orators, Children of the said *William Penn*, and to their Heirs and Assigns, amongst other Things, all the said Propriety or 24th Part of *East New-Jersey*, and all other the Estate whereof the said *William Penn* died seized of or intitled unto, in *East New-Jersey* aforesaid; as by the said Deed, recorded in Lib. A. B. pag. 88, more fully may appear; by Virtue whereof, your Orators became and are seized of one 24th Part of *East New-Jersey* aforesaid.

And your Orators *John Child, Levy Ball, Francis Minshull, Joseph Mico, Henry Greenaway* and *Thomas Knap*, in Behalf of themselves, and the rest of those called the *New-Jersey Society*, do shew unto Your Excellency, That by sundry mean Conveyances under the said *Edward Billing, William Gibson*, and *Robert West*, they stand seized of and intitled in Fee-simple, unto the Whole of these two Proprieties, or 24th Parts of *East New-Jersey* aforesaid, formerly belonging to the said *Edward Billing* and *William Gibson*; and to one Half of that Propriety or 24th Part, formerly belonging to the said *Robert West*; but as the Conveyances thereof are at present in *England*, your Orators cannot now offer them, but hope they may be here ready to be produced before Publication in this Cause; neither have your Orators found many of those Conveyances on Record at *Perth-Amboy*; however what they have found, are mentioned in Schedule, N^o II. annexed, with the Books and Pages where recorded, the Dates, the Names of the Grantors and Grantees thereof, and what thereby was granted; and to which Schedule, N^o II. and Books therein mentioned,

your Orators, for Brevity and more Certainty, refer.

And your Orator *Samuel Nevill*, sheweth unto Your Excellency, That *Arent Sonmans*, deceased, was one of the Twenty-four Proprietors aforesaid, and so was seized in Fee of one 24th Part of *East New-Jersey* aforesaid. And your Orator further saith, That the said *Arent Sonmans* also purchased, in Fee, the several 24th Parts of *East New-Jersey*, which before appear to be vested in *Gawen Lawry, David Barclay* and *Hugh Hartshorn*, together with sundry other smaller Shares of Propriety, esteemed in the Whole to amount to five Proprieties and one Quarter; as by many Instruments on Record doth appear: But your Orator, tho' he hath already used many Endeavours to have the Conveyances from *England*, hath not been able as yet to procure them; but shall continue his Endeavours, and hopes he may have them before Publication in this Cause. And your Orator *Samuel Nevill*, further saith, That the said *Arent Sonmans* being seized, as aforesaid, of the said fundry Proprieties, and Shares of Propriety, of *East New-Jersey*, died seized thereof, and the same descended to *Peter Sonmans*, his only Son and Heir; who being so seized, made his last Will and Testament in Writing, duely executed and signed by him in the Presence of three credible Witnesses, signing thereto in his Presence, bearing Date the 19th Day of February, 1724; and thereby devised all his Estate whatsoever, to his Wife *Sarah*, her Heirs and Assigns, as by the said last Will, duely proved and recorded in Lib. B. of Wills, pag. 504, may appear: And after making the said last Will, the said *Peter Sonmans* died, seized as aforesaid; by Virtue whereof the said *Sarah*, his Widow, became seized as he had been; and afterwards the same *Sarah* died, seized as aforesaid, and the same descended to your Orator *Samuel Nevill*, as eldest Brother, and Heir at Law of the said *Sarah*; whereby your Orator *Samuel Nevill* became seized in Fee of the said four entire Proprieties, or 24th Parts of *East New-Jersey*, and of the said fundry small Shares of Propriety, in all esteemed amounting to five Proprieties and one Quarter; except what is herein after mentioned to be granted by the said *Peter Sonmans* to the Complainant *John Vail*.

And the rest of your Orators do say, That they perceiving, that to recite the fundry Chains of Conveyance to them, down from the Twenty-four Proprietors, would swell this Bill to an exceeding great Length, and be a great Charge, both to your Orators and to the Defendants; to prevent which, as far as in their Power, the Schedule, N^o II. hereunto annexed,

annexed, is made truly from the Records of those Conveyances ; in which the first Column points out the Book and Page where each Conveyance is recorded in the publick Records at *Pertb-Amboy* ; the second Column points out the Date of the Conveyance ; the third Column points out the Grantor of the Conveyance ; the fourth Column shows the Grantee, or Person to whom such Conveyance is made ; and the fifth Column the Substance of the Conveyance, or what thereby is granted.

And to which Schedule, N^o II. your said Orators, for Brevity and Perspicuity, beg Leave to refer, for the mean Conveyances to them, of the several Shares of Propriety of which they respectively stand seized, in Fee, as follows, viz.

Your Orator *John Hamilton*, faith, he stands seized, in Fee-simple, of one 20th of the said *Thomas Cooper's* 24th Part ; and of one third Part of the said *James Brain's* 24th Part of *East New-Jersey*.

And your Orator *James Hamilton*, faith, he stands seized, in Fee, of one 20th Part of the said *Thomas Cooper's* 24th Part of *East New-Jersey*.

And your Orator *Robert Hunter Morris*, faith, he stands seized, in Fee, in Trust for the Children of *Richard Ashfield*, of *Thomas Hart's* 24th Part aforesaid ; and of one Half of seven 40ths of *Robert West's* 24th Part aforesaid.

And your Orator *James Alexander*, faith, he stands seized, in Fee-simple, of one 8th Part of the said *Clement Plumstead's* ; of one 20th of the said *Robert Turner's* ; of thirteen 40ths of the said *Robert West's* ; of one Half of the said *Robert Gordon's* ; of one other 20th of the said *Thomas Cooper's* ; of one 4th Part of *Thomas Barker's* ; of four 20ths of *James Earl of Perth's* ; of three 20ths of *Ambrose Rigg's* ; of five 8ths of three 4ths, and of three 8ths of one 40th of *James Earl of Perth's* ; of five 8ths of one Half of *Samuel Groom's* ; of one Half of one 5th Part of 19 20th Parts of *Robert Barclay's* and *Ambrose Rigg's* ; of one Half of one other 4th Part of *Thomas Barker's* ; of one Half of one other 20th of *Thomas Cooper's* Proprieties or 24th Parts of the Eastern Division of *New-Jersey*, in all amounting to two whole Proprieties or 24th Parts, and 685625 decimal Parts of one Propriety or 24th Part of the Eastern Division of *New-Jersey*.

And your Orator *Daniel Donaldson Dunstar*, faith, he stands seized in Fee-simple, of three 8ths of three 4ths of *James Earl of Perth's* ; (except three 8ths of one 40th of the same) and of three 8ths of one Half of *Samuel Groom's* Propriety or 24th Part aforesaid.

And your Orator *Samuel Leonard*, faith, he stands seized, in Fee, of one Half of 19 20ths

of a Propriety, formerly *Robert Barclay's* and *Ambrose Rigg's* ; of one 8th of *Barker's* ; of one 20th of *Cooper's* ; and of one 6th of *Thomas Warne's*, Proprieties or 24th Parts aforesaid.

And your Orator *Thomas Leonard*, faith, he stands seized, in Fee, of one 6th Part of said *Thomas Warne's* 24th Part.

And your Orator *John Burnet*, says, he stands seized, in Fee, of *John Haywood's* Propriety, (except some small Shares thereof conveyed away, as in the Schedule, N^o II.) and also of Half of *Clement Plumstead's* Propriety, (except also some small Shares thereof conveyed away, as in the Schedule, N^o II.) and also of one Half of *Robert Gordon's* Propriety or 24th Part ; and the Parts sold being deducted, your Orator remains seized of one whole Propriety, and 4921875 decimal Parts of a Propriety, which makes nearly one Half of a Propriety.

And your Orator *Andrew Home*, faith, he stands seized, in Fee, of four 20ths of *Thomas Cooper's* Propriety or 24th Part.

And your Orators *Isabella Kearney*, *Andrew Vanborne* and *Mary his Wife*, say, that *Michael Kearney*, deceased, died seized in Fee, of five 8ths of a Propriety, formerly *Thomas Rudyard's*, and devised to your Orators, Power to sell the same.

And your Orator *John Budd*, says, he stands seized, in Fee, of one 8th Part of *Clement Plumstead's* Propriety.

And your Orators *Isaac Sharp* and *Joseph Sharp*, say, they stand seized, in Fee, of seven 12ths of *Thomas Warne's* Propriety.

And your Orator *Adam Hude*, faith, he stands seized, in Fee, of one 20th of a Propriety, formerly *Robert Barclay's* ; and of one 80th of a Propriety, formerly *Thomas Cooper's*.

And your Orator *Elisha Parker*, faith, he stands seized, in Fee, of fifteen 100ths of a Propriety, formerly *Robert Barclay's* ; and of one 80th of a Propriety, formerly *Thomas Cooper's* ; and of one 8th of a Propriety, formerly *Thomas Rudyard's*.

And your Orator *George Lesly*, faith, he stands seized, in Fee, of one 16th Part of *John Haywood's* Propriety ; and of one 40th of a Propriety, formerly *Thomas Cooper's* ; and of one 8th of a Propriety, formerly *Thomas Rudyard's* ; and of one 5th Part of 19 20ths of a Propriety, formerly *Robert Barclay's* ; and of seven 64ths of *Haywood's* Propriety ; and of one Half of *Thomas Barker's* Propriety.

And your Orators *Andrew Johnston* and *Lawrence Smith*, say, that *John Johnston*, their Testator, died, seized in Fee, of two 5th Parts of 19 20ths of a Propriety, formerly *Robert Barclay's* ; of one 16th of a Propriety, formerly

formerly *John Haywood's*; and of one 8th of a Propriety, formerly *Thomas Rudyard's*; and that the said *John Johnston*, by his last Will duly made, devised to your Orators, Power
5 to sell and dispose of the real Estate, whereof the said *John Johnston* died seized.

And your Orator *John Furman*, saith, that he stands seized, in Fee, of a 32d Part of a Propriety, formerly *Robert Turner's*; and of
10 a 36th Part of a Propriety, formerly *Thomas Cooper's*, and of one 4th Part of a Propriety, formerly *Clement Plumstead's*.

And your Orator *John Alexander*, saith, he stands seized, in Fee, of a 32d Part of a Propriety, formerly *John Haywood's*.
15

And your Orators do further say, That the several Conveyances aforesaid, of Shares of Propriety of *East New-Jersey*, do each convey all Rents, and Quit-Rents, and Arrears of
20 Rents and Quit-Rents, to the Grantees thereof; and the Arrears, as well as the growing Rents, have always been deemed and esteemed to pass thereby.

And your Orators do shew unto Your
25 Excellency, That by Virtue of the Conveyances aforesaid, the said Lord *Barclay* and Sir *George Carteret*, were intitled to, held and enjoyed the Government and Soil of the Province of *New-Jersey* aforesaid, from the 24th
30 Day of *June*, 1664, until the said Province was conquered by the Dutch, in the Year 1673, as aforesaid; and that the said Sir *George Carteret*, and his Assigns, by Virtue of the Conveyances aforesaid, were intitled to,
35 held and enjoyed, the Government and Soil of the Eastern Division of *New-Jersey*, from the 29th of *June*, 1674, aforesaid, after the second Dutch Surrender, until the 17th Day of *April*, 1702, when the Government of
40 *New-Jersey* was surrendered to the Crown, by the Assigns of the said Lord *Barclay* and Sir *George Carteret*, reserving every Thing but the Government; and that ever since the said Surrender of the Government, the Assigns
45 of the said Sir *George Carteret*, have been intitled to, held and enjoyed the Soil of the said Eastern Division of *New-Jersey*, and all that the Conveyances aforesaid could intitle them to, excepting the Government so sur-
50 rendered, as aforesaid, without any Question, till lately. And your Orators by Virtue of the Conveyances aforesaid, are intitled to hold and enjoy the Parts of the same Eastern Division of *New-Jersey* in common, to which they
55 have respectively set forth their Title, as aforesaid; excepting such Parts thereof as have been duly divided and appropriated to your Orators, or those under whom they Claim, or others, the Proprietors in Severalty; and excepting
60 such Parts thereof, as pursuant to the Con-

cessions herein after mentioned, and several Continuances thereof, have been duly granted to such Persons as came to settle in the said Eastern Division, upon a yearly Quit-Rent to be paid; which Lands, so granted, 5 were called *Head Lands*.

And your Orators do shew unto Your Excellency, That on the 10th Day of *February*, 1664, the said Lord *Barclay* and Sir *George Carteret*, Proprietors aforesaid, ap-
10 pointed *Philip Carteret* to be Governor of *New-Jersey*, by a Commission under their Hands and Seals, recorded in Lib. 3, pag. 27: That on the same Day, the same Proprietors, by another Instrument, under their Hands and
15 Seals, gave Power to the said *Philip Carteret*, with Advice of the major Part of the Council, to grant Lands to all such Persons, as should by the Concessions be intitled thereto; but expressly say therein, that they grant no Power
20 but according to the Concessions; and that no Grant should be made for less than a Half-penny Sterling, *per Acre*, yearly Quit-Rent, according to the Concessions; which Instrument is recorded in Lib. 3, 28: That
25 on the same Day, the said Proprietors, Lord *Barclay* and Sir *George Carteret*, did, by an Instrument under their Hands and Seals, grant the Concessions aforesaid, to all inhabiting, or that should thereafter come to inhabit *New-*
30 *Jersey*; which Concessions do set forth the Form of Government of the said Province, by a Governor, a Council and an Assembly; and sets forth the Powers of each, and of all Officers of the Government; which Con-
35 cessions do also, amongst other Things, point out the Terms and Method of settling Lands; and of securing the Lands to the Settlers; and of the Rents to the Proprietors; and in which, amongst other Things, are the follow-
40 ing Words.

The Concessions and Agreement of the Lords Proprietors of the Province of Nova-Cesarea, or New-Jersey, to and with all and every the Adventurers, and all such as shall settle or plant there. 45

IMPRIMIS, WE do consent and agree, that the Governor of the
said Province hath Power, by the Advice of
his Council, to depute one in his Place and
Authority, in case of Death or Removal, to
continue until our further Order, unless we
have commissioned one before.

Item, That he hath likewise Power to
make Choice of, and to take to him six
Counsellors at least, or twelve at most, or
any even Number between six and twelve;
with whose Advice and Consent, or with at
least three of the six, or four of a greater
Number

Number (all being summoned) he is to govern according to the Limitations and Instructions following, during our Pleasure.

Item, That the Chief Secretary or Register which we have chosen, or shall chuse (we failing, that he shall chuse) shall keep exact Entries, in fair Books, of all publick Affairs; and to avoid Deceits and Lawfuits, shall record and enter all Grants of Land from the Lords to the Planters, and all Conveyances of Land, House or Houses, from Man to Man; as also all Leases for Land, House or Houses, made or to be made by the Landlord to any Tenant, for more than one Year; which Conveyance or Lease shall be first acknowledged by the Grantor or Lessor, or proved by the Oath of two Witnesses to the Lease or Conveyance, before the Governor, or some Chief Judge of a Court for the Time being, who shall under his Hand, on the back Side of the said Deed or Lease, attest the Acknowledgement or Proof as aforesaid, which shall be a Warrant for the Register to record the same; which Conveyance, so recorded, shall be good and effectual in Law, notwithstanding any other Conveyance, Deed or Lease, for the said Land, House or Houses, or for any Part thereof, altho' dated before the Conveyance, Deed or Lease recorded as aforesaid; and the said Register shall do all other Thing or Things, that we by our Instructions shall direct, and the Governor, Council and General Assembly shall ordain, for the Good and Welfare of the said Province.

Item, That the Surveyor-General that we have chosen, or shall chuse (we failing that the Governor shall chuse) shall have Power by himself or Deputy, to survey, lay out and bound all such Lands as shall be granted from the Lords to the Planters, and all other Lands within the said Province, which may concern particular Men, as he shall be desired to do; and a Particular thereof certify to the Register to be recorded as aforesaid. *Provided*, That if the said Register and Surveyor, or either of them, shall misbehave themselves, as that the Governor and Council, or Deputy Governor and Council, or the major Part of them, shall find it reasonable to suspend their Actings in their respective Employments, it shall be lawful for them so to do until further Order from us.

Item, That the Governor, Counsellors, Assembly-men, Secretary, Surveyor, and all other Officers of Trust, shall swear or subscribe in a Book, to be provided for that Purpose, that they will bear true Allegiance to the

King of *England*, his Heirs and Successors; and that they will be faithful to the Interest of the Lords Proprietors of the said Province, and their Heirs Executors and Assigns, and endeavour the Peace and Welfare of the said Province; and that they will truly and faithfully discharge their respective Trusts, in their respective Offices; and do equal Justice to all Men, according to their best Skill and Judgment, without Corruption, Favour or Affection; and the Names of all that have sworn or subscribed, to be entred in a Book; and whosoever shall subscribe and not swear, and shall violate his Promise in that Subscription, shall be liable to the same Punishment, that the Persons are or may be that have sworn, and broken their Oaths.

Item, That all Persons that are or shall become Subjects to the King of *England*, and swear or subscribe Allegiance to the King, and Faithfulness to the Lords, shall be admitted to plant, and become Freemen of the said Province, and enjoy the Freedoms and Immunities hereafter expressed; until some Stop or Contradiction be made by us the Lords, or else the Governor, Council and Assembly, which shall be in Force until the Lords see Cause to the contrary; *provided*, that such Stop shall not any way prejudice the Right or Continuance of any Persons that have been received before such Stop or Order came from the Lords or General Assembly. The General Assembly, by Act as aforesaid, to prescribe the Quantity of Land which shall be from Time to Time allotted to every Head, Free or Servant, Male or Female; and to make and ordain Rules for the casting of Lots for Land, and the laying out of the same; *provided*, that they do not in their Prescriptions exceed the several Proportions which are hereby granted by us to all Persons, arriving in the said Province or adventuring thither. The Governor is with his Council to make Warrants, and seal Grants of Lands, according to those our Concessions, and the Prescriptions by the Advice of the General Assembly, in such Form as shall be at large set down in our Instructions to the Governor in his Commission, and which are hereafter expressed.

3dly, They are to take Care, that no Man, if his Cattle stray, range or graze on any Ground within the said Province, not actually appropriated or set out to particular Persons, shall be liable to pay any Trespas for the same, to us our Heirs, Executors; *provided*, that Custom of Commons be not there by pretended to, nor any Person hindered from taking up and appropriating any Lands so grazed upon; and that no Person doth purposely

'purposely suffer his Cattle to graze on such
 'Lands. And that the Planting of the said Province
 'may be the more speedily promoted :
 5 '1. We do hereby grant unto all Persons who
 'have already adventured to the said Province
 'of *Nova-Cesarea* or *New-Jersey*, or shall tran-
 'sport themselves or Servants, before the first
 'Day of *January*, which shall be in the Year
 10 'of our Lord 1665, these following Propor-
 'tions, *viz.* To every Freeman that shall
 'go with the first Governor, from the Port
 'where he imbarques, or shall meet him at
 'the Rendezvous he appoints for the Settle-
 15 'ment of a Plantation, there armed with a
 'good Musket, Bore twelve Bullets to the
 'Pound, with ten Pounds of Powder, and
 'twenty Pounds of Bullets, with Bandeliers
 'and Match convenient, and with six Months
 20 'Provision for his own Person arriving there,
 '150 Acres of Land, English Measure ; and
 'for every able Servant, that he shall carry
 'with him, armed and provided as aforesaid,
 'and arriving there, the like Quantity of 150
 25 'Acres, English Measure ; and whosoever
 'shall send Servants at that Time, shall have,
 'for every able Man-Servant, he or she shall
 'send, armed and provided as aforesaid, and
 'arriving there, the like Quantity of 150
 30 'Acres ; and for every weaker Servant or
 'Slave, Male or Female, exceeding the Age
 'of fourteen Years, which any one shall send
 'or carry, arriving there, 75 Acres of Land ;
 'and for every Christian Servant, exceeding
 35 'the Age aforesaid, after the Expiration of
 'their Time of Service, 75 Acres of Land
 'for their own Use.
 '2. *Item*, To every Master or Mistress,
 'that shall go before the first Day of *January*,
 40 'which shall be in the Year 1665, 120
 'Acres of Land ; and for every able Man-
 'Servant, that he or she shall carry or send,
 'armed and provided as aforesaid, and arriving
 'within the Time aforesaid, the like Quan-
 45 'tity of 120 Acres of Land ; and for every
 'weaker Servant or Slave, Male or Female,
 'exceeding the Age of fourteen Years, arri-
 'ving there, 60 Acres of Land ; and to every
 'Christian Servant, to their own Use and
 50 'Behoof, 60 Acres of Land.
 '3. *Item*, To every Free-Man and Free-
 'Woman, that shall arrive in the said Pro-
 'vince, armed and provided as aforesaid,
 'within the second Year, from the first
 55 'Day of *January*, 1665, to the first Day of
 '*January*, 1666, with an Intention to plant,
 '90 Acres of Land, English Measure ; and
 'for every Man-Servant, that he or she shall
 'carry or send, armed and provided as afore-
 60 'said, 90 Acres of Land of like Measure.

'4thly, For every weaker Servant or
 'Slave, aged as aforesaid, that shall be so
 'carried or sent thither, within the second
 'Year, as aforesaid, 45 Acres of Land of like
 'Measure ; and to every Christian Servant, 5
 'that shall arrive the second Year, 45 Acres
 'of Land of like Measure, after the Expiration
 'of his or their Time of Service, for their
 'own Use and Behoof.
 '5. *Item*, To every Free-Man and Free- 10
 'Woman, armed and provided as aforesaid,
 'that shall go and arrive with an Intention to
 'plant within the third Year, from *January*,
 '1666, to *January*, 1667, armed and provided
 'as aforesaid, 60 Acres of Land, of like Mea- 15
 'sure ; and for every able Man-Servant, that
 'he or they shall carry or send within the
 'said Time, armed and provided as aforesaid,
 'the like Quantity of 60 Acres of Land ; and
 'for every weaker Servant or Slave, aged as 20
 'aforesaid, that he or they shall carry or send
 'within the third Year, 30 Acres of Land ;
 'and to every Christian Servant, so carried or
 'sent in the third Year, 30 Acres of Land,
 'like Measure, after the Expiration of their 25
 'Time of Service : All which Land, and all
 'other that shall be possessed within the said
 'Province, are to be held on the same Terms
 'and Conditions, as is before mentioned, and
 'as hereafter, in the following Paragraphs, is 30
 'more at large expressed. *Provided always*,
 'That the before mentioned Land, and all
 'other whatsoever, that shall be taken up and
 'so settled in the said Province, shall after-
 'wards, from Time to Time, for the Space of 35
 'thirteen Years from the Date hereof, be
 'held upon the Conditions aforesaid, conti-
 'nuing one able Man-Servant, or two such
 'weaker Servants as aforesaid, on every 100
 'Acres a Master or Mistress shall possess, be- 40
 'sides what was granted for his or her own
 'Person ; in Failure of which, upon Notifica-
 'tion to the present Occupant, or his Assigns,
 'there shall be three Years given to such, for
 'their compleating the said Number of Per- 45
 'sons, or for their Sale or other Disposeure of
 'such Part of their Lands as are not so peopled
 'within such Time of three Years.
 'If any such Person, holding any Land,
 'shall fail by himself, his Agents, Executors 5
 'or Assigns, or some other Way to provide
 'such Number of Persons, unless the General
 'Assembly shall, without respect to Poverty,
 'judge it was impossible for the Party so
 'failing, to keep or procure his or her Number 55
 'of Servants, to be provided as aforesaid ; in
 'such Case, we the Lords to have Power of
 'disposing of so much of such Land as shall
 'not be planted with its due Number of
 'Persons, as aforesaid, to some others that 60
 'will

‘ will plant the same : *Provided always*, That
 ‘ no Person arriving in the said Province,
 ‘ with Purpose to settle (they being Subjects,
 ‘ or naturalized as aforesaid) be denied a Grant
 5 ‘ of such Proportions of Land, as at the Time
 ‘ of their Arrival there, are due to themselves
 ‘ or Servants, by Concession from us as afore-
 ‘ said ; but have full License to take up and
 ‘ settle the same, in such Order and Manner
 10 ‘ as is granted or prescribed. All Lands (not-
 ‘ withstanding the Powers in the Assembly
 ‘ aforesaid) shall be taken up by Warrant from
 ‘ the Governor, and confirmed by the Go-
 ‘ vernor and Council, under a Seal to be
 15 ‘ provided for that Purpose, in such Order and
 ‘ Method as shall be set down in this Declara-
 ‘ tion, and more at large in the Instructions to
 ‘ the Governor and Council.

‘ And that the Lands may be the more
 20 ‘ regularly laid out, and all Persons the better
 ‘ ascertained of their Titles and Possessions,

‘ 1. The Governor, and Council, and Ge-
 ‘ neral Assembly (if any be) are to take Care
 ‘ and direct, that all Lands be divided by
 25 ‘ general Lots, none less than 2100 Acres,
 ‘ nor more than 21000 Acres in each Lot,
 ‘ (excepting Cities, Towns, &c. and the near
 ‘ Lots of Townships) and that the same be
 ‘ divided into seven Parts ; one seventh Part
 30 ‘ to us our Heirs and Assigns ; the remaining
 ‘ to Persons as they come to plant the same,
 ‘ in such Proportions as is allowed.

‘ 2. *Item*, That the Governor, or whom
 ‘ he shall depute, in Case of Death or Absence,
 35 ‘ if some be not before commissioned by us
 ‘ as aforesaid, do give to every Person to whom
 ‘ Land is due, a Warrant signed and sealed by
 ‘ himself, and the major Part of his Council,
 ‘ and directed to the Surveyor-General, or
 40 ‘ his Deputy, commanding him to lay out,
 ‘ limit and bound Acres of Land,
 ‘ as his due Proportion is, for such a Person,
 ‘ in such Allotments, according to the War-
 ‘ rant ; the Register having first recorded the
 45 ‘ the same, and attested the Record. Upon
 ‘ the Warrant, the Surveyor-General or his
 ‘ Deputy shall proceed, and certify to the
 ‘ Chief Secretary or Register, the Name of the
 ‘ Person for whom he hath laid out Land ; by
 50 ‘ Virtue of what Authority ; the Date of the
 ‘ Authority or Warrant ; the Number of
 ‘ Acres ; the Bounds, and on what Point of
 ‘ the Compass the several Limits thereof lie :
 ‘ Which Certificate the Register is likewise to
 55 ‘ enter in a Book to be prepared for that
 ‘ Purpose, with an Alphabetical Table, refer-
 ‘ ring to the Book, that so the Certificate may
 ‘ be the easier found ; and then to file the
 ‘ Certificate, and the same to keep safely. The
 60 ‘ Certificate being entered, a Grant compre-

‘ hending all the Particulars of Lands men-
 ‘ tioned in the Certificate aforesaid, is to be
 ‘ signed and sealed by him and his Council,
 ‘ or the major Part of them, as aforesaid (they
 ‘ having seen the Entry, and directed to the 5
 ‘ Register or Chief Secretary, for his preparing
 ‘ a Grant of the Land to the Party for whom
 ‘ it is laid out) which Grant shall be in the
 ‘ Form following, viz.

‘ *The Lords Proprietors of the Province of* 10
 ‘ *Nova-Cesarea or New-Jersey, do hereby*
 ‘ *grant unto A. B. of the in the Province*
 ‘ *aforesaid, a Plantation, containing*
 ‘ *Acres English Measure (bounded as in the*
 ‘ *Certificate) To hold to him (or her) his* 15
 ‘ *(or her) Heirs or Assigns for ever : yielding and*
 ‘ *paying yearly to the said Lords Proprietors,*
 ‘ *their Heirs or Assigns, every 25th Day of*
 ‘ *March, according to the English Account, one*
 ‘ *Half-penny of lawful Money of England, for* 20
 ‘ *every of the said Acres ; to be holden of the*
 ‘ *Mannor of East Greenwich, in free and com-*
 ‘ *mon Soccage ; the first Payment of which*
 ‘ *Rent to begin the 25th Day of March, which*
 ‘ *shall be in the Year of our Lord 1670,* 25
 ‘ *according to the English Account. Given*
 ‘ *under the Seal of the said Province, the*
 ‘ *Day of in the Year of our Lord, 1666.*

‘ To which Instrument, the Governor or
 ‘ his Deputy, hath hereby full Power to put 30
 ‘ the Seal of the said Province, and to subscribe
 ‘ his Name ; as also the Council, or the major
 ‘ Part of them, are to subscribe their Names ;
 ‘ and then the Instrument or Grant is to be,
 ‘ by the Register, recorded in a Book of Re- 35
 ‘ cords for that Purpose. All which being
 ‘ done according to these Instructions, we
 ‘ hereby declare that the same shall be effec-
 ‘ tual in Law for the Enjoyment of the said
 ‘ Plantation, and all the Benefits and Profits 40
 ‘ of and in the same (except the half Part of
 ‘ Mines of Gold and Silver) paying the Rent
 ‘ as aforesaid. *Provided*, That if any Plan-
 ‘ tation so granted, shall, by the Space of three
 ‘ Years, be neglected to be planted with a 45
 ‘ sufficient Number of Servants, as is before
 ‘ mentioned ; that then it shall be lawful for
 ‘ us to dispose thereof, in Whole or in Part,
 ‘ this Grant notwithstanding.

‘ 3. *Item*, We do also grant convenient 50
 ‘ Proportions of Land for Highways and for
 ‘ Streets, not exceeding 100 Foot in Breadth,
 ‘ in Cities, Towns and Villages, &c. and for
 ‘ Churches, Forts, Wharfs, Keys, Harbours,
 ‘ and for Publick-Houses ; and to each Parish 55
 ‘ for the Use of their Ministers, 200 Acres, in
 ‘ such Places as the General Assemblies shall
 ‘ appoint.

‘ 4. *Item*, The Governor is to take Notice,
 ‘ that all such Lands laid out, for the Uses 60
 ‘ and

and Purposes aforesaid, in the next preceeding Article, shall be free and exempt from all Rents, Taxes, and other Charges and Duties whatsoever, payable to us, our Heirs or Assigns.

5. Item, That in laying out Lands for Cities, Towns, Villages, Burroughs, or other Hamlets, the said Lands be divided into seven Parts; one seventh Part whereof by Lot to be laid out for us, and the rest divided to such as shall be willing to build thereon, they paying after the Rate of One Penny or Half-penny per Acre, according to the Value of the Land, yearly, to us, as for their other Lands as aforesaid; which said Lands, in Cities, Towns, &c. is to be assured to each Possessor, by the same Way and Instrument as is before mentioned.

6. Item, That all Rules relating to the Building of each Street, or Quantity, or Ground to be allotted to each House, within the said respective Cities, Burroughs and Towns, be wholly left, by Act as aforesaid, to the Wisdom and Discretion of the General Assembly.

7. Item, That the Inhabitants of the said Province, have free Passage thro' or by any Seas, Bounds, Creeks, Rivers or Rivulets, &c. in the said Province, thro' or by which they must necessarily pass, to come from the Main Ocean to any Part of the Province aforesaid.

8. Lastly, It shall be lawful for the Representatives of the Freeholders, to make any Address to the Lords, touching the Governor and Council, or any of them, or concerning any Grievances whatsoever, or for any other Thing they shall desire, without the Consent of the Governor and Council, or any of them. Given under our Seal of our said Province, the 10th Day of February, in the Year of our Lord, 1664.

BARCLAY.

G. CARTERET.

Which Instrument of Concessions is recorded in Lib. 3, pag. 66 to 74.

And your Orators do say, That until the Conquest aforesaid of *New-Jersey*, by the Dutch, in 1673, the Government of *New-Jersey* aforesaid, was administred by Virtue of, and pursuant to the said Concessions; and after the second Grant aforesaid of *East New-Jersey*, to Sir George Carteret, he confirmed the said Concessions with a few Additions and Explanations, Part of which shall herein after be set forth. And the Government of *East New-Jersey* aforesaid, was administred pursuant to the said Concessions, until the Surrender of the Government to the Crown, in 1702, aforesaid. And all Writs or Warrants for calling Assemblies, in the said Eastern

Division, expressly recited the said Concessions as the Foundation for the Issuing them; as by the Records of many of the said Writs or Warrants, in Lib. C. may appear. And for about Twenty Years after the Year 1664, all Lands granted in *East New-Jersey*, by the said Proprietors and their Assigns, were made to Persons who came to settle and plant in the said Eastern Division, pursuant to the Directions of the said Concessions; of which the Books of Record called N^o 1. N^o 2. N^o 3. N^o 4. and Lib. A. &c. are full Evidence, they containing many Hundreds of Warrants, Surveys and Patents to such Persons, pursuant to the Directions of the said Concessions; and all Licences by the Governor, to Persons coming to settle (of which great Numbers are in the said Books) do also shew, that the Comers were to purchase of the Indians; or if the Lands were before purchased, then to pay their Proportion of the Indian Purchase, besides taking Patents, rendering a Half-penny per Acre, from the Year 1670: And tho' this be not directed by the Concessions of 1664; yet it was so practised by Governor Carteret, on his first Arrival in *New-Jersey*, and is made one of the Additions to the Concessions in the Years 1672 and 1674.

And your Orators do say, That after the Government came to the Twenty-four Proprietors, the Bounty or Head Lands, by the Concessions to Comers for settling, was continued until the 13th Day of January, 1685-6, when it was discontinued, until the Proprietors had their first Dividend, herein after mentioned.

And your Orators do further shew, That soon after the Government came to the Twenty-four Proprietors, they sold many small Shares of their Proprieties, to Persons who transported themselves and Families to settle in the said Eastern Division; and the Proprietors agreed to divide a Part of the Lands remaining in common amongst themselves, in Proportion to their Rights; and in order thereto, a first Dividend of 10,000 Acres to one Propriety or 24th Part, was agreed on by the Proprietors, and so in Proportion for a lesser or a greater Share; which Dividend so agreed on, was to be elected and chosen by each Proprietor in any Place in the said Eastern Division not before appropriated: But to avoid Confusion, and to prevent their being Judges in their own Cases, by which they might claim a greater Right than really was their due, and elect more Lands on that Pretence than what was their just Proportion of such Dividend; it was agreed, that a Number of the Proprietors, residing in *New-Jersey*, should, from time to time, meet with the Governor, to examine into

into the Rights of all Claimers; who after such Examination, were to advise the Governor what Quantity of Land was due to each Person claiming; and at least five Proprietors were to sign an Order to the Governor, for issuing of Warrants to the Surveyor-General, for surveying such Quantities, before such were issued by him; which Proprietors met for that Purpose were called *the Council of Proprietors*: And this Method began upon that Occasion, and for that Purpose, the 13th Day of November, 1684; that being the Date of the first Minute of the Council of Proprietors of the Eastern Division of *New-Jersey*: And as to the rest of the Method, for appropriating the said Dividend to the respective Proprietors, the Method prescribed by the Concessions aforesaid was kept up to, *viz.* The Governor was, after the Examination and Direction aforesaid, to sign a Warrant to the Surveyor-General, for the Quantity due to each Person; which Warrant was recorded by the Proprietors Register, before issuing. The Surveyor-General by himself or lawful Deputy, upon Request, was to survey and lay the Quantity out, in such Place as the Person having the Warrant would elect and chuse: Thereon the Surveyor-General certified, that by Virtue of such Warrant, he had surveyed, or caused to be surveyed, the Quantity ordered in such certain Place, with all the Butts and Bounds of the Tract; which was also recorded by him, or by the Proprietors Register; and thereon a Patent or Grant was made out under the Seal of the Province, nearly in the Form prescribed by the Concessions (excepting that in Patents to Proprietors, no Quit-Rent was reserved) and signed by the Governor and five of the Council; which was also recorded by the Proprietors Register; and this Method was kept up to for the Partition of Lands amongst the Proprietors of *East New-Jersey*, until (after the Surrender of the Government by the Proprietors) the Arrival of the first Governor appointed by Queen ANNE.

And your Orators do shew unto Your Excellency, That on the 21st Day of February, 1698, a second Dividend of 5000 Acres to a Propriety, was ordered by the Council of Proprietors, as by their Minute of that Date; and also by an Order to the Surveyor-General thereon, dated the 26th of April, 1699, and recorded in Book O. 175, may appear. And on the second Day of December, 1702, an Addition of 2500 Acres was, by the Council of Proprietors, ordered to be made to the said second Dividend; and one general Order was made, that the Surveyor-General for the Time being, should survey to each Proprietor, his Proportion of the said

Dividends, according to their Rights, without any further particular Warrant; as by the Minute of the Council of Proprietors of the said second Day of December, 1702, may appear; by which that particular Branch of the Business of the Council of the Proprietors, of enquiring into the Rights of each Proprietor, and ordering Warrants, was devolved on the Surveyor-General for the Time being, so far as to those two Dividends; but at the same Time a former Regulation was renewed, *viz.* That no Surveys should be made to any Person whose Title did not appear upon Record with the Recorder or Register of the Proprietors; who by Means of that, did usually certify to the Surveyor-General, each Proprietor's Title, who wanted to have his Dividends laid out, and what he had conveyed away, in order that his just Proportion remaining, might thereby be seen.

And your Orators do shew, That the Office of Register, which was appointed by the Concessions aforesaid, and always has been in the Nomination of the Proprietors, was, by an Act of Assembly, passed the 21st Day of February, 1698, approved of; which Act is recorded in Lib. C. pag. 302; and by which Act, amongst other Things, it is enacted in these Words, *viz.*

'That the publick Records of this Province shall be kept at *Perth-Amboy*; and that the Register shall make exact Entries, in fair Books, of all publick Affairs, and shall record all Grants or Patents for Land, and all other Deeds or Conveyances of Land within this Province; which Deeds the respective Persons shall be obliged to record in the said Office, within six Months after the Date, if inhabiting within this Province; which Deeds shall be first acknowledged by the Grantor, or proved by one of the Witnesses, before the Governor or one of the Council, who shall attest the same on the back Side of the Deed; which Deed or Deeds so recorded, shall be good and effectual in the Law, notwithstanding any other Conveyance of the same Land, though dated before such Deed so registred; *provided*, that nothing herein contained, shall be intended or construed to the Prejudice or Hindrance of the Title or Claim of any Person, under Age, Feme Covert, Non Compis Mentis, in Prison, or out of the Province;" as by the said Act may appear.

And your Orators do further shew unto Your Excellency, That upon the Surrender of the Government by the Proprietors to the Crown, a Set of Instructions was agreed to be granted by the Crown, to the several Governors to be appointed for *New-Jersey*; which Instructions

Instructions were nearly in the following Words;
 ' Our Will and Pleasure is, that for the
 ' better quieting the Minds of our good Sub-
 25 ' jects, Inhabitants of our said Province, and
 ' for settling the Properties and Possessions of
 ' all Persons concerned therein, either as Ge-
 ' neral Proprietors of the Soil, under the first
 ' Original Grant of the said Province, made by
 10 ' the late King CHARLES the Second, to the
 ' late Duke of York, or as particular Purchasers
 ' of any Parcels of Land from the said General
 ' Proprietors; you shall propose to the Ge-
 ' neral Assembly of our said Province, the
 15 ' passing of such Act or Acts, whereby the
 ' Right and Property of the said General
 ' Proprietors to the Soil of our said Province,
 ' may be confirmed to them, according to
 ' their respective Rights and Titles; together
 20 ' with all such Quit-Rents as have been refer-
 ' ved, or are or shall become due to the said
 ' General Proprietors, from the Inhabitants of
 ' our said Province; and all such Privileges
 ' as are expressed in the Conveyances, made
 25 ' by the said Duke of York, excepting only
 ' the Right of Government, which remains in
 ' us. And you are further to take Care, that
 ' by the said Act or Acts, so to be passed, the
 ' particular Titles and Estates of all the In-
 30 ' habitants of that Province, and other Pur-
 ' chasers, claiming under the said General
 ' Proprietors, be confirmed and settled, as of
 ' Right does appertain, under such Obligations
 ' as shall tend to the best and speediest Im-
 35 ' provement or Cultivation of the same:
 ' *Provided always*, that you do not consent
 ' to any Act or Acts, to lay any Tax upon
 ' unprofitable Lands. You shall not permit
 ' any other Person or Persons, besides the said
 40 ' General Proprietors or their Agents, to pur-
 ' chase any Lands whatsoever from the Indians
 ' within the Limits of their Grant. You are
 ' to permit the Surveyors, and other Persons
 ' appointed by the forementioned General
 45 ' Proprietors of the Soil of that Province, for
 ' surveying and recording the Surveys of Land
 ' granted by and held of them, to execute
 ' accordingly their respective Trusts: And
 ' you are likewise to permit, and, if need be,
 50 ' aid and assist such other Agent or Agents,
 ' as shall be appointed by the said Proprietors
 ' for that End, to collect and receive the
 ' Quit-Rents which are and shall be due unto
 ' them, from the particular Possessors of any
 55 ' Parcels or Tracts of Land, from Time to
 ' Time; *provided always*, that such Survey-
 ' ors, Agents, or other Officers appointed by
 ' the said General Proprietors, do not only
 ' take proper Oaths for the due Execution
 60 ' and Performance of their respective Offices

' or Employments, and give good and sufficient
 ' Security for their so doing; but that they
 ' likewise take the Oaths mentioned in the
 ' Act, entitled, *An Act for the further Secu-*
 ' *rity of her Majesty's Person and Government,* 5
 ' *and the Succession of the Crown in the Heirs*
 ' *of the late Princess Sophia, being Protestants;*
 ' *and for extinguishing the Hopes of the preten-*
 ' *ded Prince of Wales, and his open and secret*
 ' *Abettors*; as also make and subscribe the 10
 ' Declaration aforesaid: And you are more
 ' particularly to take Care, that all Lands pur-
 ' chased from the said Proprietors, be cultivated
 ' and improved by the Possessors thereof."

Which Instructions have hitherto been 15
 continued; and your Orators doubt not, are
 continued to your Excellency.

And your Orators do further shew unto
 Your Excellency, That the Lord Cornbury,
 the first Governor appointed by the Crown 20
 for New-Jersey, did, on the 10th Day of No-
 vember, 1703, in his Speech to the then first
 General Assembly for New-Jersey, then met,
 recommend (in Obedience to the said In-
 structions) the passing one or more Bills, 25
 whereby the Right and Property of the Ge-
 neral Proprietors to the Soil of this Province,
 may be confirmed to them; as by the said
 Speech, entred in the Minutes of Council of
 the said Day, more fully may appear. 30

And your Orators do shew unto Your
 Excellency, That the said General Assembly,
 at their then sitting, did, with the Governor
 and Council, pass one Act in the following
 Words, *to wit*. 35

*An Act for regulating the purchasing of Lands
 from the Indians.*

' WHEREAS several ill disposed Persons
 within this Province, have formerly 40
 ' presumed to enter into Treaties with the
 ' Indians or Natives thereof, and have pur-
 ' chased Lands from them, such Person or
 ' Persons deriving no Title to any Part of the
 ' Soil thereof, under the Crown of England, 45
 ' or any Person or Persons claiming by, from,
 ' or under the same; endeavouring thereby to
 ' subvert her Majesty's Dominion in this
 ' Country: *Be it therefore Enacted* by the
 ' Governor, Council and General Assembly 50
 ' now met and assembled, and by the Autho-
 ' rity of the same, That no Person or Persons
 ' whatsoever, for ever hereafter, shall presume
 ' to buy, take a Gift of, purchase in Fee, take
 ' a Mortgage or Lease for Life or Number of 55
 ' Years, from any of the Indians or Natives,
 ' for any Tract or Tracts of Lands, within
 ' this Province, after the first Day of Decem-
 ' ber, 1703, without first obtaining a Certi-
 ' ficate under the Hand of the Proprietors 60

Recorder

Recorder for the Time being, certifying
such Person hath a Right, and stands intitled
to a Propriety, or Share in a Propriety; such
Person or Persons shall produce such Certi-
5 ficate to the Governor for the Time being,
in order to obtain a License to purchase such
Quantities of Land or Number of Acres,
from the Indians or Natives aforesaid, as such
Certificate mentions.

10 ' 2. *Be it further Enacted* by the Authority
aforesaid, That if any Person or Persons
shall presume to buy, purchase, take Gift,
or Mortgage, or Lease of any Land, contrary
to the present Act; he or they so offending,
15 shall forfeit 40 Shillings, Money of this Pro-
vince, for each Acre of Land so obtained;
to be recovered by any Person or Persons who
shall prosecute the same to Effect, by Action
of Debt in any Court of Record within this
20 Province; one Half to the Use of her Ma-
jesty, her Heirs and Successors, toward the
Support of the Government; and the other
to the Prosecutor: *Provided always*, That
such Purchasers, their Heirs and Assigns,
25 shall for ever hereafter, be incapable to hold
Plea for the said Land, in any Court of com-
mon Law or Equity.

' 3. *And be it farther Enacted* by the
Authority aforesaid, That all and every
30 Person and Persons whatsoever, that have
bought, taken Gift of, or have purchased
Land in Fee, or taken Mortgages, or Leases
for Life or Number of Years, of the Indians
or Natives, who is and are not intitled to
35 such Tract and Tracts of Land, by Virtue
of a Right or Title to the same, derived
from the Crown of *England*, or from any
Person or Persons claiming by, from or un-
der the same; such Gift, Purchase, Mortgage,
40 Lease or Leases, is and are hereby declared,
and for ever hereafter shall be taken, deemed
and esteemed illegal, null and void; and
such Person or Persons, their Heirs and
Assigns, shall not be capable to hold Plea for
45 the same, in any Court of common Law or
Equity, at any Time hereafter, unless such
Person or Persons claiming under such In-
dian Gift, Purchase, Mortgage or Lease,
shall, within the Space of six Months after
50 the Publication of this Act, take out a Grant
or Grants from the present Proprietors, for
the several Tracts of Land so claimed by them
respectively, on such Conditions as shall be
agreed upon with the said Proprietors.

55 And your Orators do further shew unto
Your Excellency, That in or about the 13th
Year of the Reign of *Queen ANNE*, an Act of
the Governor, Council and Assembly of *New-*
Jersey was past, entitled, *An Act for confirming*
60 *of Conveyances of Land, made and to be made*

by Wills and Powers of Attorney; and declaring
what Exemplifications of Records and other
Things, shall be holden and received for good
Evidence of Estates of Inheritance; and for
transferring Uses into Possession: Wherein, 5
amongst other Things, it was enacted as fol-
lows, *to wit.*

' That all last Wills and Testaments there-
tofore made in Writing, signed by the
' Testator, in Presence of two subscribing 10
' Witnesses, and proved according to the
' Custom theretofore used, in either the Eastern
' or Western Divisions of this Province, by
' which any Lands, Tenements or Heredita-
' ments have been given, devised or bequeathed 15
' unto any Person or Persons whatsoever;
' every of the said last Wills and Testaments,
' shall, at all Times thereafter, be held, taken,
' deemed and esteemed as good, valid and
' sufficient Title in Law, to all Intents, Con- 20
' structions and Purposes, as if the Testator
' had conveyed the same away in his Life
' time; and shall for ever barr any Person or
' Persons, claiming or to claim Estate under
' any such Testator, contrary to the true Intent 25
' and Meaning of such Will or Testament;
' and the said Will being proved as aforesaid,
' and the Books of Registers of either of the
' Eastern or Western Division of this Province,
' in which they were entred, being proved as 30
' aforesaid, may be given, and shall be received
' in Evidence, any Law or Custom to the
' contrary notwithstanding.

And it was further Enacted by the Autho-
rity aforesaid, ' That all Wills and Testaments 35
' which thereafter should be made in Writing,
' signed and published by the Testator, in
' Presence of three subscribing Witnesses, and
' regularly proved and entred upon the Books
' of Record or Registers in the Secretary's Office 40
' of this Province, or any proper Office for that
' Purpose; shall and are hereby declared, and for
' ever hereafter shall be taken, accepted, deemed
' and esteemed sufficient to devise, bequeath
' and convey any Lands, Tenements, Heredi- 45
' taments or other Estates whatsoever, within
' this Province, as effectually to all Intents,
' Constructions and Purposes whatsoever, as
' if the Testator had conveyed the same away
' in his Life time; and the Books in which 50
' they are registred or recorded may be given
' in Evidence, and shall be accepted of, and
' be sufficient Evidence at all Times and
' Places, where the said Wills or Testaments
' may be requisite to be given in Evidence, 55
' any Law or Custom to the contrary not-
' withstanding.

And it was further Enacted by the Autho-
rity aforesaid, ' That the Copies of any last
' Will or Testament whatsoever, theretofore 60

made, or thereafter to be made, within any
 Part of the Kingdoms of *Great-Britain* or
Ireland, by which any Lands, Tenements,
 Hereditaments, or other Estate within this
 5 Province, are devised or bequeathed, cer-
 tified under the Seal of such Office, where
 such Will or Testament is proved and lodged
 may be given and shall be received in Evi-
 dence before any of the Courts of Judicature
 10 within this Province, and be esteemed as
 valid and sufficient as if the Original Will
 and Testament were then and there produced
 and proved.

And it was further Enacted by the Autho-
 15 rity aforesaid, That the Copy of any Will
 or Testament, made in any other of her
 Majesty's Colonies, by which any Lands,
 Tenements, Hereditaments, or other Estates
 within this Province, is given, devised or
 20 bequeathed, being proved according to the
 Custom of such Colony, certified under the
 Great Seal of such Colony, may be given and
 shall be received in Evidence in any of the
 Courts of Judicature within this Province,
 25 and be esteemed as valid and sufficient as if
 the Original Will or Testament were then
 and there produced and proved.

And it was further Enacted by the Autho-
 rity aforesaid, That all Deeds, Grants, Sales,
 30 Leases, Assurances or other Conveyances
 whatsoever, theretofore made by Virtue of
 Letters of Agency, Powers of Attorney, or
 other Powers or Authorities whatsoever,
 that have been entred on the publick Books
 35 of Record of this Province, or the publick
 Books of Record of the Eastern or Western
 Division thereof, whereby any Lands, Tene-
 ments or Hereditaments whatsoever within
 this Province, have been granted, sold, con-
 40 veyed, assured, released or transferred to any
 Person or Persons, pursuant to such Powers
 and Authorities whatsoever, should be, and
 were thereby declared as good, valid and
 sufficient Title in the Law, to all Intents,
 45 Constructions and Purposes whatsoever,
 unto the said Grantees, their Heirs and
 Assigns, as if the Constituent or Constituents
 had then and there sold and conveyed the
 Land or Lands, and had executed Deeds
 50 (according to the true Intent and Meaning of
 such Grants, Deeds or Conveyances) which
 said Grants, Deeds or Conveyances, shall be
 of Force against, conclude and bind all and
 every the Constituents, Employers, Grantors
 55 of such Powers and Authorities, and their,
 and all and every of their Heirs, and all and
 every other Person or Persons claiming or
 to claim Estate from or under them, or any
 of them, severally and respectively; and all
 60 Lands, Tenements or other Hereditaments,

that for the Time to come should be sold,
 conveyed or disposed of, by Virtue of such
 Powers or Authorities as aforesaid; such
 Powers shall be first proved and entred upon
 the publick Records; after which all Grants
 5 and Conveyances made pursuant to the
 Powers thereby granted, shall be deemed,
 taken and esteemed as good, valid and suffi-
 cient Titles, against all and every the Con-
 stituents, Employers and Grantors of such
 10 Powers and Authorities; and against all
 claiming or to claim Estate under them,
 severally and respectively aforesaid, as if the
 Constituent or Constituents had then and
 there sold and conveyed the same Land or
 15 Lands.

And it was further Enacted by the Autho-
 rity aforesaid, That the Exemplification of
 any Deeds or Writings, relating to Estates
 real or personal within this Province, proved
 20 and certified under the City Seal of *London*
 or *Edinburgh*, in the Kingdom of *Great-*
Britain; or under the Seal of the City of
Dublin, in the Kingdom of *Ireland*; or
 under the Great Seal of any of her Majesty's
 25 Colonies in *America*; or any of the publick
 Books of Records or Registers of this Pro-
 vince, or of either of the Divisions thereof,
 should be received in Evidence in any Court
 of Record within this Province, and should
 30 be esteemed as sufficient as if the Originals
 were then and there produced and proved.

And it was also Enacted by the Authority
 aforesaid, That all and every Person or Per-
 35 sons, to whom the Use or Uses of any Tract
 or Tracts of Land within this Province, have
 been sold, given, limited, granted, released or
 conveyed by Deed, Grant or any other legal
 Conveyance whatsoever, or that should there-
 after be granted by any Deed or Conveyance
 40 whatsoever; such Grantees, their Heirs and
 Assigns, should be deemed, taken and esteem-
 ed to be in as full and ample Possession of
 such Lands, Tenements and Hereditaments,
 to all Intents, Constructions and Purposes,
 45 as if such Grantees, their Heirs and Assigns,
 were possessed thereof by solemn Livery of
 Seizin and Possession, any Usage or Custom
 to the contrary notwithstanding. *Provided*
 50 *always*, That nothing in this Act should be
 construed or extend to make good, valid
 and effectual any Fraud or Forgery, made
 or used in or about any Power of Agency, or
 Letter of Attorney, or other Deeds, Writings
 55 or Records, last Wills or Testaments, or any
 Bargain and Sale, or other Conveyances of
 any Estate of Inheritance, grounded upon such
 fraudulent or forged Power of Agency or Let-
 ter of Attorney, or other Deeds, Writings or
 60 Records, and last Wills and Testaments.

And

And your Orators do further shew unto Your Excellency, That an Act of the Governor, Council and Assembly of *New-Jersey*, was passed in the fifth Year of King GEORGE the First, entitled, *An Act for running and ascertaining the Line of Partition or Division between the Eastern and Western Divisions of the Province of New-Jersey; and for preventing Disputes for the future concerning the same; and for securing to the General Proprietors of the Soil of each of the Divisions, and Persons claiming under them, their several and respective Possessions, Rights and just Claims.* By which Act, the Line agreed on by the Quintipartite Deed aforesaid, is established; and the Possessors under the General Proprietors, who by Mistake had their Lands located on the wrong Side of the said Line, are secured in their Possessions; and Provision is thereby made, for doing Justice to the General Proprietors of both the Eastern and Western Divisions on that Head, by an Equivalent to be rendered by the General Proprietors of that Division, which had taken up most in the other Division, to the Proprietors of that other Division; and in which Act, amongst other Things, it is Enacted in the following Words:

‘And whereas the Surveys of Lands, and the Quantities held thereby in this Province, have frequently been uncertain and difficult to be discovered, by Reason of the Office of Surveyor-General has not been duely established and regularly kept within the respective Divisions: *Be it therefore Enacted* by the Authority aforesaid, That the Surveyor-General of the Eastern Division, shall by himself or his lawful Deputy, hold a publick Office in the City of *Perth-Amboy*, for all the Eastern Division of this Province:

‘And the Surveyor-General of the Western Division, shall, by himself or his lawful Deputy, hold a publick Office in the Town of *Burlington*, for the Western Division of this Province; in which Offices respectively, shall be carefully entred and kept, the Surveys of all Lands which shall hereafter be made within this Province; and such Entries shall be of Record, and may be pleaded in Evidence in any of his Majesty’s Courts of Judicature within this Province. And the said Surveyor and Surveyors General, is and are hereby authorized and impowered, to collect, demand, receive, sue for and recover from all Persons whatsoever, within this Province, all Books of Surveys, general Charts, Maps and Draughts of Lands, heretofore made by any publick Surveyor or Surveyors, for the Lands within his or their District or Districts, which may be of general Use, for proving the Rights of the Proprietors,

‘or of Persons claiming under them, to any Tracts or Parcels of Land surveyed and taken up within this Province; and the same shall be safely lodged and kept in the said respective Offices, within the Division within which the Lands whereunto such Books, Charts, Maps and Draughts do belong, are respectively situate (excepting such Books of Surveys as he shall recover belonging to the Eastern Division, which upon Recovery he shall forthwith deliver into the Recorder’s Office of the said Division, there to be kept for publick Use and View) *Provided always*, That here-deliver, with all convenient Speed, such of them as are the Property of any particular Person, to the Person whose Property they are, after he or they, the Surveyor or Surveyors aforesaid, have either taken authentic Copies thereof, or recorded them in their Books; and the said Surveyor or Surveyors General shall give Security to his Excellency Brigadier *Hunter*, our present Governor, or to the Governor or Commander in Chief for the Time being, for the Use of the Proprietors of each respective Division, and their Successors, in the Sum of *One Thousand Pounds*, of lawful Money of *Great-Britain*, for his and their delivering up to his and their respective Successor and Successors therein, all Books of Surveys, general Charts, Maps and Draughts, which he shall have received and recovered as aforesaid, and which have not otherwise been directed to be delivered as aforesaid, and the Books he or they shall have kept, during the Execution of his or their respective Offices.

‘And whereas great Inconveniencies have happened, by the making and not recording of Surveys, whereby many have not only got Lands surveyed which have been formerly surveyed, not knowing of any former Survey; but have settled and made great Improvement of the same, and have been afterwards ousted thereof: For the remedying whereof for the future, *it is hereby enacted and declared* by the Authority aforesaid, That all Surveys heretofore made, the Certificates whereof are in the Hands of any of the Inhabitants of this Province, or any of the neighbouring Provinces, which are not within two Years, and that all Surveys heretofore made, the Certificates whereof are in the Hands of People living beyond Seas, which are not within three Years after the Publication hereof, duely recorded either in the Recorder’s Office, or in the Surveyor-General’s Record of the respective Division in which such Lands are surveyed, be for ever hereafter void and of none Effect; and any succeeding Survey duely made

made thereof and recorded, shall be as good and sufficient as if no former Survey had been made.

And your Orators do further shew unto Your Excellency, That after the Surrender of the Government by the Proprietors, to the Crown, by which the Governor ceased to be an Officer of the Proprietors, no more Grants or Patents could be made under the Seal of the Province, for appropriating to the respective Proprietors the Quantities of Land due to them by the said Dividends; and as they saw, that the General Proprietors of the Western Division, had never used such Method for appropriating their Dividends thereof to them; but had made all their Divisions by Warrants from their Council of Proprietors, after Inspection of the Rights of the Claimers, and Survey thereon made, and certified by their Surveyor-General, and recorded; and that the Whole of the Western Division had been so settled, without any one Patent under the Seal of that Division, that ever your Orators heard of: And considering also, that the Agreements, as aforesaid, for Dividends, made each Proprietor, as to his Quantity due to him by such Dividend, in the Nature of a Tenant at Election; it was conceived that a Return of Survey made by the Surveyor-General, and recorded, might be sufficient for appropriating to every Proprietor the Quantity due by the said Dividends; and though such Dividends at the first Appointment thereof, had not then the actual Consent of all the Proprietors thereto (nor in the Nature of Things could it possibly be expected, after the Proprieties were divided into so many small Parts, and the Owners some living in England, some in Scotland, some in Ireland, and some in others of the Colonies of America) yet their posterior Consent was thereto had, by their taking Warrants for, and having those their Dividends laid out and appropriated to them, and by never objecting thereto; and from the Publication of Lord Cornbury's Commission of Governor, in the Year 1703; the preceeding Custom of Survey, recorded without Patent, began, and has ever since continued in *East New-Jersey*, as it from the beginning of the Government of *West New-Jersey* had been there used, and still there continues to be so; and the Lands so surveyed and recorded, in Part of any of the said Dividends, have always been esteemed to belong in Severalty, to the Proprietor for whom they were so located; provided his Right to so much in Part of the said Dividends was good.

And your Orators do further shew unto Your Excellency, That the Council of Proprietors having devolved the greatest Part

of their Office on the Surveyor-General as aforesaid, in relation to the first and second Dividends, they, after the Surrender of the Government, gave over meeting at any certain or stated Times, and only when their Affairs necessarily required it, as at the passing of the said Acts of Assembly; they at Length saw, that this Indolence in them was prejudicial to their Affairs, and that Meetings of the Council of Proprietors at stated Times, as formerly, was necessary; wherefore, after long Deliberation, a considerable Majority of the General Proprietors, or their Attornies and Agents, by an Instrument under their Hands and Seals, bearing Date the 25th Day of *March*, 1725, did agree that a certain Number of the General Proprietors therein mentioned, having in their own Right or by Proxy, eight whole Proprieties or 24th Parts of the said Eastern Division, should make a Council of Proprietors, with Power to appoint Dividends, examine Claims, grant Warrants of Survey, and generally to do all Things requisite and necessary for the Management of the Affairs of the general Proprietors of the said Eastern Division; which Instrument doth also direct the Method for the Appointment of the Receiver-General of the Quit-Rents; the Register or Recorder, and the Surveyor-General; and for the displacing them, and appointing others in their Steads; as by the said Instrument, ready to be produced, when any Occasion requires it, may appear.

And your Orators do shew unto Your Excellency, That the Council of Proprietors of the Eastern Division of *New-Jersey*, have commonly had two yearly stated Meetings at *Pertb-Amboy*, for the transacting the Affairs of the said Proprietors, immediately after the Sittings of the Supreme Courts, the one beginning the fourth *Tuesday* of *March*, and the other beginning the third *Tuesday* of *August*, and sitting till all the Affairs before them are transacted; and other Meetings at other Times, upon Especial Occasions: At which Meetings the said Council have appointed sundry Dividends of the Lands in common amongst them, as to all which they keep the Authority of examining the Titles of Claimers, and granting Warrants to the Surveyor-General; which the former Council of Proprietors had delegated to the Surveyor-General, concerning the two former Dividends, as herein before is mentioned.

And your Orators do further shew unto Your Excellency, That the Tract of Land represented upon the Maps, N^o II. and N^o III. hereunto annexed, by the one yellow Line running from *Passaick* River, Westerly, into your

your Orators the Society's great Tract, upon the Branches of *Raritan*; and from thence by another yellow Line running to the South Branch of *Raritan*; and thence down the South Branch and River *Raritan*, to the Sound at *Pertb-Amboy*; and from thence up to *Passaick* River, containing much upwards of 400,000 Acres of the most valuable Lands of *New-Jersey* (which to prevent Repetitions of this Description, shall herein after be called the Lands in Controversy, or the Lands in Question) has been very near all legally granted, divided or appropriated, by the Authority of the General Proprietors for the Time being, either to Persons coming and settling upon Quit-Rent, pursuant to the Concessions and the Continuations of the Bounties there given, for every Head coming into the Province; which Bounties were called *Head Lands*; or to and amongst the General Proprietors, according to the Methods herein before set forth, in Practice at the Time of the Appropriation; which Map, N^o III. has delineated thereon the Bounds of most of the Tracts which have been appropriated within the same, which lie to the Westward of *Rarway* River, and the Bound-Brook of *Piscattaway*, according to the Bounds thereof in the Surveys thereof upon Record; and where those could not fix the Places, the same have been mostly fixed by actual Surveys. And your Orators say, That the Numbers inserted in the Plan of each Tract, delineated upon the said Map, N^o III. do refer to the Numbers in the first Column of the Schedule, N^o III. hereunto annexed; and the first Letters of the Alphabet on the Sides, and the last Letters thereof at the Bottom and Top of the said Map, N^o III. do refer to the second Column of the Schedule, N^o III. by Means of which Numbers on the Map, what's referred to in the Schedule can at once be turned to; and by Means of the Letters in the second Column of the Schedule, the Place where the Number in the first Column is delineated or to be found on the Map, can at once be turned to, *to wit.* in the Intersection of Lines from those Letters or near them; which Schedule, N^o III. in the third Column has the Names of such of your Orators, who, or their Assigns, are at present intitled to those Tracts, by the Conveyances to them in Schedule N^o II. the fourth Column contains the Names of the Person to whom such Tract was appropriated; the fifth Column contains the Dates of the Surveys for Appropriation; the sixth Column contains the Name of the Book of the Records, and Page thereof where such Survey is recorded; the seventh and last Column contains the Quantity of Acres surveyed, and its Situation.

And your Orators do say, that Schedule, N^o IV. contains a List of Warrants, Surveys and Patents in *Newark*, partly to Settlers on a Rent, and partly divided amongst the Proprietors: And also that Schedule, N^o V. contains a List of Warrants, Surveys and Patents in *Piscattaway*, Part granted to Comers pursuant to the Concessions, and Part divided amongst the Proprietors: Also Schedule, N^o VI. contains a List of Warrants, Surveys and Patents in *Pertb-Amboy*; which was partly granted to Settlers upon a yearly Rent, and partly divided amongst the Proprietors: Also Schedule, N^o VII. contains a List of Patents to the People of *Woodbridge*, granted all to Comers for settling pursuant to the Concessions: Also Schedule, N^o VIII. contains a List of Warrants, Surveys and Patents, granted by the Proprietors to those called the eighty Associates of *Elizabeth Town*: And Schedule, N^o IX. contains a List of Surveys made mostly to People of *Elizabeth Town* within five Years after the Judgment in *Vaughan* and *Woodruff's* Case, herein after mentioned, upon their having purchased Parts of the said first and second Dividends, which intitled them to have such Quantities legally appropriated to them; which Tracts in Schedule, N^o VIII. and IX. do almost all lie to the Eastward of *Rarway* River. And your Orators say, that all the Lands in the Schedules, N^o V. VI. VII. VIII. and IX. are contained within the said Tract in Controversy; and the Lands in Schedule, N^o IV. are in great Part within the same; but by Reason of the uncertainty of the Boundaries of those Tracts, from the Surveys thereof upon Record, your Orators are advised, that its impossible from the Records, to make a Plan or Plans of the Whole, or any considerable Part thereof.

And your Orators do further say, That the Persons to whom such Lands were duely appropriated, appearing by the said Schedules III. IV. V. VI. VII. VIII. IX. and their Assigns, have by Virtue of those Appropriations, and ever since the respective Dates of those Appropriations, appearing by the said Schedules, peaceably and quietly enjoyed the Tracts so appropriated, without any Claim or Pretence of any Person or Persons whatsoever, till lately, since the Verdict in *Schuyler's* Cause, hereafter mentioned: And your Orators well hoped, that they and their fellow Proprietors, and other Persons to whom any Part of the said Lands had been so legally appropriated, and their Assigns, might have respectively, quietly enjoyed the same; and that your Orators and their fellow Proprietors, might, without Controversy, have held and quietly enjoyed the small Quantities of Land therein remaining

in common amongst them, until a Division thereof; and might have divided and appropriated the same amongst them, according to their respective Rights, as other the Lands in common and unappropriated in the said Eastern Division; and might have received and quietly enjoyed the Quit-Rents, reserved upon the several Patents or Grants for Head Lands, in the said Schedules set forth.

10 But so it is, May it please Your Excellency, That Benjamin Bond, Samuel Potter, Joseph Woodruff, John Blanchard, Joseph Halsey, Jeremiah Crane, Samuel Miller, John Crane, Jonathan Dayton, John Ogden, Thomas Clark, 15 Andrew Craig, Daniel Potter, Abraham Clark, William Miller, Nathaniel Hubbell, Joseph Schotwell, Joseph Moss, John Denman, John Scudder, John Terril, Samuel Norris, sen. Samuel Norris, jun. Jonathan Hampton, John 20 Maxfield, Joseph Willis, Mathias Hatfield, Stephen Crane, Joseph Williams, Samuel Winans, George Ross, jun. Timothy Whitehead, James Clark, Samuel Osburn, Caleb Osburn, Henry Wade, Simon Searing, Joseph Potter, 25 John Wade, James Meeker, Daniel Clark, jun. Thomas Price, Nathaniel Crane, Jonathan Allen, Samuel Chandler, Benjamin Crane, John Clark, Stephen Hynds, Gershom Higgins, Benjamin Petit, Richard Scudder, Aaron Miller, 30 William Robison, Jefferey Jones, Richard Miller, John Osburn, Samuel Brant, John Craig, William Winans, Peter Wilcox, Philip Brooks, Samuel Brooks, Samuel Mills, Joseph Marsh, sen. Joseph Marsh, jun. Jonathan 35 Crane, John Stiles, David Donham, Miles Williams, Hannes Mangle alias John Roll, Daniel Williams, Daniel Meeker, Daniel Ross, Samuel Scudder, Cornelius Hatfield, Elijah Davis, Nathaniel Davis and William Brant, 40 combining and confederating with many other Persons, to your Orators unknown, who, when discovered, they pray may be made Parties to this Bill, with apt Words to charge them, have lately set up a Pretence to the 45 Tract of Land aforesaid, represented in Map, N^o III. aforesaid, by the two long yellow Lines, and by the South Branch and Raritan River, and by the Sound up to Passaick River, and as before, to be herein after called the 50 Land in Controversy, or Land in Question: And the same Pretence of the Defendants and their Confederates to the said Tract is set up as follows, to wit. That the said James Duke of York granted a Commission to Richard 55 Nicholls, in the following Words:

‘JAMES Duke of York and Albany, &c.
‘WHEREAS it hath pleased the King’s most
‘Excellent Majesty, my Sovereign Lord and
60 ‘Brother, by his Majesty’s Letters Patents,

‘bearing Date at Westminster, the 12th Day
‘of March, in the 16th Year of his Majesty’s
‘Reign, to give and grant unto me and to my
‘Heirs and Assigns, all that Part of the Main
‘Land of New-England, beginning at a cer- 5
‘tain Place, called or known by the Name
‘of St. Croix, adjoining to New-Scotland in
‘America, from thence extending along the
‘Sea-Coast unto a certain Place called Pema-
‘quin or Pemaquid, and so up the River there- 10
‘of, to the furthest Head of the same, as it
‘tendeth Northwards, and extending from
‘thence to the River of Kinebeque, and so
‘upwards by the shortest Course to the River
‘Canada, Northwards; and also all that 15
‘Island or Islands, commonly called by the
‘several Name or Names of Mattowacks or
‘Long-Island, situate lying and being towards
‘the West of Cape Codd, and the Narrow
‘Highgansetts, abutting upon the Main Land, 20
‘between the two Rivers, there called or
‘known by the several Names of Connecticut
‘and Hudson’s River; and all the Land from
‘the West Side of Connecticut River to the
‘East Side of Delaware Bay; and also all 25
‘those several Islands called or known by the
‘Names of Martin’s Vineyard, and Mantakes,
‘otherwise Nantucket, together with all the
‘Lands, Islands, Soils, Rivers, Harbours,
‘Mines, Minerals, Quarries, Woods, Marshes, 30
‘Waters, Lakes, Fishings, Hawking, Hun-
‘tings and Fowlings, and all other Royalties
‘and Profits, Commodities and Hereditaments,
‘to the said several Islands, Lands and Pre-
‘mises belonging and appertaining, with their 35
‘and every of their Appurtenances, to hold
‘the same to my own proper Use and Behoof,
‘with Power to correct, punish, pardon, go-
‘vern and rule the Inhabitants thereof, by
‘my self, or such Deputies, Commissioners or 40
‘Officers as I shall think fit to appoint; as by
‘his Majesty’s said Letters Patents, may more
‘fully appear. And whereas I have conceived
‘a good Opinion of the Integrity, Prudence,
‘Ability and Fitness of Richard Nicholls, Esq; 45
‘to be employed as my Deputy there; I have
‘therefore thought fit to constitute and appoint
‘him, the said Richard Nicholls, to be my
‘Deputy Governor, within the Lands, Islands
‘and Places aforesaid, to perform and execute 50
‘all and every of the Powers, which are by
‘the said Letters Patents granted unto me, to
‘be executed by my Deputy, Agent or Assigns.
‘TO HAVE AND TO HOLD the said Place of
‘Deputy Governor unto him the said Richard 55
‘Nicholls, Esq; during my Will and Pleasure
‘only, hereby willing and requiring all and
‘every of the Inhabitants of the said Lands,
‘Islands and Places, to give Obedience to him,
‘the said Richard Nicholls, to observe, follow 60
‘and

‘and execute such Orders and Instructions,
‘as he shall from Time to Time receive from
‘my self. Given under my Hand and Seal
‘at *White-Hall*, the second Day of *April*, in
‘the Year of our Lord, 1664.

5 That the said *Richard Nicholls*, after the
said Commission, arrived at *New Amsterdam*
aforesaid, when the Dutch, then in Possession
thereof, yielded up the same to the said *Richard*
10 *Nicholls*, on or about the 27th Day of *August*,
1664, as aforesaid; and that soon after the same
Surrender, a Petition was presented to him, for
License to purchase a Tract of Land of the
Indians; and by his Answer thereto he gave
15 License accordingly; and that the said Peti-
tion and Answer are in the following Words:

‘To the Right Honourable Col. *Richard*
‘*Nicholls, Esq; Governor of New-York, &c.*

‘The humble Petition of us subscribed,
20 ‘*Sheweth*,

‘That several of us your Petitioners, being
‘intended formerly to have purchased and
‘settled a Plantation, upon the River called
‘*Arthur Cull Bay*, before your Arrival into
25 ‘these Parts: Our Intentions, notwithstan-
‘ding our making some Way with the Indians,
‘and Charges and Expences about the Pre-
‘mises, was obstructed by the then ruling
‘Dutch; and some of us, by Reason of not
30 ‘having any Accommodations here, were put
‘upon Thoughts of removing into some other
‘of his Majesty’s Dominions; but now upon
‘this your happy Arrival, and the Decease of
‘the Dutch Interest, we would gladly pro-
35 ‘ceed in the Design aforesaid; in order
‘whereunto, we make bold, with all Humi-
‘lity, to Petition to your Honour, that you
‘would grant us Liberty to purchase and settle
‘a Parcel of Land to improve our Labour
40 ‘upon, in the River before mentioned; and
‘some of us being destitute of Habitations
‘where we are, we crave your Answer with
‘as much Expedition as may be: We hum-
‘bly take our Leave at present, and subscribe,

45 ‘Your Honour’s to command,

From *Jamaica*,
commonly so called,
50 *Sept. 26th, 1664.*

John Bailey.
Daniel Denton.
Thomas Benydict.
Nathaniel Denton.
John Foster.
Luke Watson.

‘Upon Perusal of this Petition, I do con-
‘sent unto the Proposals, and shall give the
‘Undertakers all due Encouragement in so
55 ‘good a Work. Given under my Hand in
‘*Fort James*, this 30th of *September, 1664.*

R. NICHOLLS.

A true Copy taken out of *Elizabeth Town*
60 Book, by me *Isaac Whitehead, Clerk.*

That pursuant to the License given by the
Answer aforesaid, to the said Petition, a Pur-
chase was made of the Indians, by a Deed in
the following Words:

THIS Indenture made the 28th Day of 5
October, in the 16th Year of the Reign of our
Sovereign Lord CHARLES the Second, by the
Grace of GOD of England, Scotland, France
and Ireland, King, Defender of the Faith, &c.
BETWEEN *Mattano, Manawarne and Conos-* 10
comen of Staten-Island, of the one Party;
and John Bailey, Daniel Denton, and Luke
Watson of Jamaica in Long-Island, Husband-
men, on the other Part, WITNESSETH, That
the said Mattano, Manawarne & Conoscomen, 15
hath clearly bargained and sold to the said John
Bailey, Daniel Denton and Luke Watson,
their Associates, their Heirs and Executors,
one Parcel of Land, bounded on the South by
a River commonly called the Raritan River, 20
and on the East by the River which parts
Staten-Island and the Main; and to run North-
ward up Arthur Cull Bay, till we come to the
first River which sets Westward out of the
River aforesaid; and to run Westward into 25
the Country, twice the Length that it is broad,
from the North to the South of the aforemen-
tioned Bounds; together with the Meadows,
Lands, Woods, Waters, Water-Courses, Fields,
Fences, Fishings, Fowlings, with all and singular 30
the Appurtenances, with all Gains, Profits and
Advantages arising upon the said Lands; and
all other the Premises and Appurtenances to the
said John Bailey, Daniel Denton and Luke
Watson, and their Associates, with their and 35
every of their Heirs, Executors, Administrators
and Assigns for ever: TO HAVE AND TO
HOLD the said Land with the Appurtenances,
to the said John Bailey, Daniel Denton and
Luke Watson, with their Associates, their 40
Executors and Assigns. And the said Mattano,
Manawarne and Conoscomen, covenant, grant,
promise and agree, to and with the said John
Bailey, Daniel Denton and Luke Watson, and
their Associates, their Heirs and Executors, to 45
keep them in the Enjoyment of the said Lands,
from all Expulsion and Incumbrances whatso-
ever may arise, of the said Lands, by any Per-
son or Persons, by any Reason of any Title had,
or grown, before the Date of these Presents. 50
For which Bargain, Sale, Covenant, Grant
and Agreement, on the Behalf of the said
Mattano, Manawarne and Conoscomen, to be
performed, observed and done, the aforesaid
Parties are at their Entry upon the said Lands, 55
to pay to the said Mattano, Manawarne and
Conoscomen, twenty Fathom of trading Cloth,
two made Coats, two Guns; two Kettles, ten
Barrs of Lead, twenty Handfuls of Powder:
And further, the said John Bailey, Daniel 60
Denton,

Denton, and Luke Watson, do covenant, promise, grant and agree, to and with the said Mattano, Manawarne and Conoscomen, the aforesaid Indians, four Hundred Fathoms of
 5 white Wampon, or two Hundred Fathoms of black Wampon, after a Year's Expiration from the Day of the said John Bailey, Daniel Denton and Luke Watson's Entry upon the said Lands. IN WITNESS whereof, we have here-
 10 unto put our Hands and Seals the Day and Year aforesaid.

The Mark of Mattano.

The Mark of Sewark Herones. N

On which it is to be observed, that only Mattano, one of the three Grantors named,
 15 does execute this Deed, and the other Signer is not named in the Deed; and that the same Mattano is named in and does execute the Deed of the same Lands, herein before men-
 20 tioned, to Augustine Herman, with sundry other Indians the Grantors thereof.

And that thereon the said Richard Nicholls granted a Deed or Patent in the following Words:

25 TO all to whom these Presents shall come; I Richard Nicholls, Esq; Governor under his Royal Highness the Duke of York, of all his Territories in America, send Greeting.

WHEREAS there is a Parcel of Land
 30 within my Government, which hath been purchased of Mattano, Manawarne and Conoscomen of Staten-Island, by John Bailey, Daniel Denton and Luke Watson, of Jamaica in Long-Island, for a Consideration expressed in
 35 a certain Deed of Indenture, bearing Date the 28th Day of October last, wherein the said Parcel of Land is made over to the said John Bailey, Daniel Denton, and Luke Watson, and their Associates, their and every of their
 40 Heirs, Executors and Administrators or Assigns for ever; as in the said Deed more fully and at large, relation being thereunto had, doth and may appear. Now to the End the said Lands may be the sooner planted, inhabited and ma-
 45 nured, I have thought fit to give, confirm and grant unto Capt. John Baker of New-York, John Ogden of Northampton, John Bailey and Luke Watson of Jamaica on Long-Island, and their Associates, their Heirs, Executors
 50 and Administrators, the said Parcel of Land, bounded on the South by a River commonly called the Raritan River; on the East with the Sea which parts Staten-Island and the Main, to run North up Arthur Cull Bay, till you come
 55 to the first River which sets Westward out of the said Bay; and to run West into the Country twice the Length of the Breadth thereof, from the North to the South of the aforementioned Bounds; together with all Lands, Meadows,
 60 Pastures, Woods, Waters, Fields, Fences, Fishings,

Fowlings, with all and singular the Appurtenances, with all Gains, Profits and Advantages arising or that shall arise upon the said Land and Premises: TO HAVE AND TO HOLD the
 said Lands and Appurtenances, to the said
 5 Capt. John Baker, John Ogden, John Bailey and Luke Watson, their Associates, their Heirs, Executors, Administrators and Assigns for ever, rendering and paying yearly unto his Royal Highness the Duke of York, or his Assigns
 10 for ever, a certain Rent, according to the customary Rule of the Country, for new Plantations, and doing and performing such Acts and Things as shall be appointed by his said Royal Highness or his Deputy: And the said Capt. John Baker,
 15 John Ogden, John Bailey and Luke Watson, and their Associates, their Heirs, Executors, Administrators or Assigns, are to take Care and Charge of the said Lands and Premises, that People be carried thither with all convenient
 20 Speed for the settling Plantations thereon; and that none have Liberty so to do without the Consent and Approbation of the said Capt. John Baker, John Ogden, John Bailey and Luke Watson, and their Associates, without
 25 they shall neglect the planting thereof, according to the true Intent and Meaning of these Presents; and I do likewise promise and grant, that the Persons so inhabiting and planting the Lands and Premises aforesaid, shall have
 30 equal Freedom, Immunities and Privileges with any of his Majesty's Subjects in any of his Colonies in America: And the said Capt. John Baker, John Ogden, John Bailey and Luke Watson, and their Associates, have Liberty to
 35 purchase of the Natives, or others who have the Property thereof, as far as Snake Hill, to the End and Purpose aforesaid. IN WITNESS whereof, I have hereunto set my Hand and Seal the second Day of December, in the 16th Year
 40 of the Reign of our Sovereign Lord CHARLES the Second, by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c. and in the Year of our Lord God, 1664, at James Fort in New-York,
 45 on the Island of Manhattons.

RICHARD NICHOLLS.

And the Defendants and Confederates do give out in Speeches, that they or their Ancestors, were Associates with the Grantees of
 50 the said Purchase and Patent; and that the Lands now pretended to by them, are all contained within the said Indian Purchase and Patent, and that therefore they ought to hold them against your Orators Title.

Against which Pretence, your Orators, and those under whom they claim, have said, and your Orators now do say, that tho' they admit that some of the Defendants and Confederates have good Right to many Thousands of Acres
 60 of

of Land within the Tract now claimed by them ; and that good Right they have only by Patents or Grants under the said Sir George Carteret, and his Assigns, or Surveys on good Rights of Propriety, as shall herein after be shewn ; yet your Orators do not admit, but deny, that the Defendants and Confederates have any Right to any Part thereof, by Virtue of the Pretence now set up thereto as aforesaid ; Because, 1st, Nothing could pass by the said Indian Purchase ; for that the Indians had sold their Claim to the same, 13 Years before, to *Augustine Herman*, a Dutch Subject as aforesaid ; and as the Dutch were but Tenants at Will to the Crown of *England*, by their settling with the Leave thereof, as aforesaid, whatever Right such Purchase could give beyond that Tenancy at Will, must vest in the Crown of *England*, and pass by the Grants thereof aforesaid, to the Duke of *York*, and by his Grants to Lord *Barclay* and Sir *George Carteret* aforesaid. 2^{dly}, Had the Indians not sold their Pretensions before, yet nothing could pass by the said Indian Purchase to *Bailey, Denton and Watson*, by Way of Feoffment, for no Livery and Seizin appears to have been given thereon ; and nothing could pass by Way of Bargain and Sale, because no Consideration paid for the same at the making thereof ; nor does there any Obligation appear upon the Purchasers of paying any Consideration, seeing nothing was to be paid, until their Entry upon the said Lands, which the Purchasers might have chosen never to have done. 3^{dly}, To pretend to hold Lands by an Indian Purchase only, in an English Government, seems a disowning of the Allegiance due to the Crown of *England*, and owning of the Indians as the Superior Lords ; and to admit such Claims or Pretences, would be introducing the utmost Confusion and Uncertainty in the Titles of Lands ; the Sense of which, induced the Legislature of this Province of *New-Jersey*, by the Act of 1703, herein before set forth, to make such Pretences void. 4^{thly}, For that none of the Defendants nor Confederates, have ever hitherto shown any Conveyance to them or those under whom they claim, of any Right or Title that the said Indian Purchase could give ; but if any Right it gave, it is vested in other Persons whose Rights they have not.

And your Orators do shew, That the said Grant or Patent from *Richard Nicholls*, did not nor could not pass any Right to the Lands in Question from the Crown of *England* : 1st, Because neither by the Commission aforesaid, to him from the Duke of *York*, nor otherwise, does it appear, that he had any Right or Power to grant the Lands in Question. 2^{dly},

If he had a Power, yet Nothing could pass thereby in his own Name, as the said Patent or Grant is. 3^{dly}, Because the Duke of *York* had on the 24th of *June*, 1664, (which was before or soon after the Time that the said *Richard Nicholls* had sailed for *New Netherland* from *England*, seeing that Voyage is oftner perform'd in less than eight Weeks than in a greater Time, and 'tis often perform'd in four Weeks, but from the said 24th of *June* to the said 20th of *August*, is eight Weeks, and which 24th of *June* is near six Months prior to the said Patent or Grant from *Richard Nicholls*) conveyed the Lands in Question, as herein before is set forth, to Lord *Barclay* and Sir *George Carteret*. 4^{thly}, Had the said Grant from *Nicholls* been the Prior Grant, or had he had sufficient Power to make it, yet it was made upon sundry Conditions to be performed before it could take Effect ; and therefore in Law could vest nothing.

So neither could it in Equity, but upon the Performance of those Conditions ; 1st, Of Settling ; which was in its Nature a Condition precedent, and the rather for that its expressly declared, that upon their Neglect of settling, the Grantor might settle the same by others ; wherefore so far as they did settle in a reasonable Time, those Grantees could only be in Equity intitled to a Grant of such Lands. 2^{dly}, Of paying the Rent of new Plantations, according to the customary Rule of the Country ; which Condition points out the Necessity of sundry Acts to be done, in order for the Performance thereof, such as the Mensuration of the Lands for which the Rents were to be paid, and the fixing the Means at Law, for the Payment or Recovery of those Rents. 3^{dly}, The Words in the Grant, of *doing and performing such Things as shall be appointed by his said Royal Highness or his Deputy*, put it out of Doubt, that no Estate higher than a Tenancy at Will, did or could pass by the said Grant ; however, the actual Settling might intitle the Settlers in Equity, to have Grants of what they settled with the Reservation of the Rent, according to the Quantity so settled, and prayed to be granted.

And your Orators do further shew, That tho' the said Patent or Grant from *Richard Nicholls*, was void for the Reasons before, but if good according to the Terms thereof ; yet the said Concessions gave greater and more certain Encouragement for planting the said Lands, in so far, as no one Person could, in all Probability, plant so many Acres in his Life, as by the said Concessions were agreed to be granted ; and in so far as the Lands by the said Concessions agreed to be granted, were

to be in Fee-simple, upon a very small and moderate Rent, without being subject to the Will of the Grantor, as they were by the said Grant from *Nicholls*, had it been of any Force.

And your Orators do further say, That before the Arrival of Governor *Philip Carteret* in *New-Jersey*, the Lands in Question, or Parts thereof, were called by the Names of *Arthur Cull*, *Amboyle*, *Norman's hook*, and other Names unknown to your Orators, and no Part thereof by the Name of *Elizabeth Town* till Governor *Carteret's* Arrival; at which Place, by Governor *Carteret* called *Elizabeth Town* (after the Name of Lady *Elizabeth Carteret*, Wife of Sir *George Carteret* afore said) there were at said Governor *Carteret's* Arrival, no more than four Families settled (if so many) by Virtue or on Pretence of the said Indian Purchase, or Grant from Governor *Nicholls*, nor at any other Place within the Bounds of the Lands in Question; neither were the Indians than paid the Consideration agreed on for the same, by the Indian Deed last afore said.

And your Orators do say, That the said Governor *Philip Carteret*, in or before the Month of *August*, 1665, arrived at *New-Jersey* (for he grants a Commission for a Court at *Bergen*, which is dated the 30th Day of *August*, 1665, and which is recorded in Lib. 3, pag. 1; and appears by the Records at *Pert-Amboy*, Lib. 1 and 3, to be daily afterwards doing some Acts publick or private) in a Ship called the *Philip*, with above thirty People, whereof some were Servants and others Free, and several Goods of great Value, proper for the first planting and settling of *New-Jersey*; and the said Governor *Philip Carteret*, at his Arrival, did declare and own, that the said Ship, and many of the said Servants and Goods did belong to the said Sir *George Carteret*, and were sent by him for the Beginning and Encouragement of the Peopling and Planting of *New-Jersey*; and the said Governor *Philip Carteret*, and the said People and Servants, on their Arrival, landed and settled at the Place then by Governor *Carteret* first called and still remains to be called *Elizabeth Town*; and in order for the speedier Planting and Peopling of the said Colony, and making a Township and Corporation of the Place so by him called *Elizabeth Town*, he sent diverse Persons into *New-England*, and other Places, to publish the said Concessions of the Lords Proprietors, and to invite People to come and settle there; upon which Invitations, many Persons came soon from thence, and settled at *Elizabeth Town*; and others soon came and settled *Woodbridge*, *Piscataway* and *Newark*; as herein after shall be particularly set forth:

And the said Ship *Philip*, having remained about six Months in *New-Jersey*, returned for *England*; and the Year afterwards made another Voyage to *New-Jersey*; and sundry other Ships and Vessels from Time to Time, were sent by the Lords Proprietors to *New-Jersey*, with People and Goods, to encourage the Planting and Peopling thereof; and upon the said Governor *Carteret's* Arrival afore said, at *Elizabeth Town*, he paid to the Indians, with whom the said *Bailey*, *Watson* and *Denton* had bargained for the said Lands as afore said, the greatest Part of the Consideration that had been agreed to be paid them, not then knowing of the former Purchase that had been made thereof by *Augustine Herman*, herein before mentioned; which Facts in great Part, appear by one original Affidavit of *Silvester Salisbury*, of *New-York*, Gent. and another original Affidavit of *Peter Smith*, of *New-York*, Gent. both sworn to at *London*, on the fourth Day of *February*, 1675, before *John Coet*, Master in Chancery, and signed by him and the respective Deponents; and by another original Affidavit of *Edward Sackville*, of *Westminster*, Gent. sworn to at *London*, on the 24th Day of *February*, 1675, afore said, before *William Beversham*, Master in Chancery, and signed by him and the Deponent, ready to be produced; and of the Genuineness of which, your Orators doubt not but they shall be able to get all the Proof which the Nature of the Thing will admit of, if disputed by the Defendants.

And your Orators do further shew unto Your Excellency, That upon the Arrival of Governor *Carteret*, the said four Families (if so many) settled at *Elizabeth Town*, being made sensible of the Priority of the Lords Proprietors Grant from the Duke of *York*, to their Grant afore said from Governor *Nicholls*; and that the Terms granted to Settlers by the Concessions afore said, were better and more certain than the Terms of their said Grant from Governor *Nicholls*; did readily submit to the Government of the Lords Proprietors, and acknowledged and owned their Right to the Soil even of *Elizabeth Town*, and with the said Governor *Carteret*, and the People brought with him, and those who came upon his Invitations afore said, joined in Planting and Settling of *Elizabeth Town*, upon the footing of the Concessions afore said; which may be collected clearly from the Records, and from many Circumstances herein before and after set forth.

And your Orators do further shew unto Your Excellency, That tho' the four Families (if so many) settled at *Elizabeth Town*, as afore said, could have no legal Title to any Part thereof,

thereof, by Virtue of the Indian Purchase and Patent from *Nicholls* afore said; yet they were well intitled in Equity, to recover from Governor *Nicholls*, or the Duke of *York*, or both of them, the Monies they had *bona fide* expended about that Transaction, and other Damages they might have suffered thereby; but whether their Purchase was *bona fide*, and without Notice of *Augustine Herman's* Prior Purchase, is much to be doubted; From, The Notoriety thereof; The being from the same Indians; The smallness of the Consideration; and, The Covenant therein against Prior Titles. And your Orators do say, That tho' it was only Governor *Nicholls* and the Duke who were answerable to them, for the same Equity due to them, yet Governor *Carteret* procured it to be done to them, by his Bargain with *Daniel Pierce*, in Behalf of *Woodbridge* and *Piscattaway*, hereafter mentioned; and to pay the more Respect to their Equity afore said, the said Governor *Carteret* condescended (not knowing of the Purchase by *Herman*, as afore said) to make a Purchase of the Right of one of them, *to wit.* *John Bailey*, who by Deed dated the 8th Day of September, 1665, did convey to the said Governor *Philip Carteret*, his Heirs and Assigns, all and every of his Lot or Lots, Part or Parts of the Tract purchased of the Indians, by Bill of Sale bearing Date the 28th Day of October, 1664; and which was confirmed by Governor *Nicholls*, by his Grant bearing Date the first Day of December, 1664; as by the said Deed, recorded in Lib. 1, pag. 2, may appear. And your Orators do expressly deny, that any more than four Families (if so many) were settled within or under the said last Indian Purchase and *Nicholls's* Grant, before the Arrival of Governor *Carteret*; and deny, that any one whatsoever, ever settled there after his Arrival under Colour or Pretence thereof; and say, that it was on the footing of the Concessions afore said, that all Settlers there, during Governor *Carteret's* Government, were settled.

And your Orators expressly deny, that those who have been called, deemed and esteemed to be Associates of *Elizabeth Town*, were ever settled there as Associates to *Nicholls's* Grant afore said, except the said first four Families (if so many) but do expressly charge, that those four first Families (if so many) and all others afterwards, who settled in *Elizabeth Town*, did associate themselves with Governor *Carteret*, and those he brought with him to make a Township there, by him called *Elizabeth Town*, as before, upon Terms by them agreed on with him, agreeable to the Concessions afore said of the Lords Proprietors, and to receive in so many more Inhabitants,

as to make up the Number of 80 Families, as herein is after mentioned; which 80 Families so agreed on, were they who were called, deemed and esteemed to be the Associates of *Elizabeth Town*, and not Associates of *Nicholls's* Grant, as by the Defendants and Confederates has often been pretended.

And your Orators do shew unto Your Excellency, That after Governor *Carteret's* having purchased *Bailey's* Right as afore said, *to wit.* the 21st Day of May, 1666, he came to an Agreement with Mr. *John Pike*, Mr. *Daniel Pierce* and Mr. *Abraham Tapping*, in Behalf of themselves and their Associates, for settling of two Townships within the Bounds mentioned in the said Deed and Patent to *Bailey, Watson* and others; which Towns were afterwards settled accordingly, and called by the Names of *Woodbridge* and *Piscattaway*; of which Agreement Part of the first and the Whole of the fifth Articles are in these Words:

'They shall have Liberty within themselves, 'to lay out every Man's Proportion of Land 'according to their Judgment and Discretion, 'not exceeding the Proportion limited in the 'Lords Proprietors Concessions.

'5thly, For the Half-penny per Acre per Annum, due to the Lords Proprietors, the Payment is to begin the 25th of March, 1670; and that every Man shall pay yearly in the Country-pay, for no more Land than what is appropriated to him by Patent; 'provided, that every Person shall Patent so much Land in Proportion, as is specified in the Concessions, or according to their Estates; and that all Lands so patented, shall be surveyed and bounded by the Surveyor-General or his Deputy, and shall be recorded by the Recorder-General of the Province, to avoid all Controversies and Disputes in Law; and whomsoever shall not within one Year's Time after the surveying of his Land, record it as afore said, shall forfeit the same; notwithstanding it shall and may be lawful for them to keep a Record of their own in each Town." As by the said Agreement, consisting of twelve Articles in all, duly executed by the said Parties thereto, and witnessed by the said *John Ogden*, and recorded in Lib. 1, pag. 19, more fully may appear.

And the said *Philip Carteret*, *John Ogden* and *Luke Watson*, of the one Part; and the said *Daniel Pierce* of the other Part, by Indenture, bearing Date the 11th Day of December, 1666, in Consideration of the Sum of 80 Pounds sterl. to them in Hand paid by the said *Daniel Pierce*, they did bargain and sell the one Moitey or half Part of the said Tract of Land, which was purchased of the Indians by *John Bailey*, *Daniel Denton* and *Luke*

Luke Watson, by Bill of Sale dated the 28th Day of *October*, 1664; and which said *John Bailey* and *Daniel Denton*, are therein said to have made over and sold all their Right, Title and Interest in the said Purchase, unto the said *Philip Carteret* and *John Ogden*, by Bills of Sale under their Hands upon Record; to hold the one Moiety of the said Purchase, beginning from the *Raritan River*; and so to come Northward to *Rawack River*, which is to be the absolute Bounds as far as the Tide does flow between the one Moiety of the Purchase and the other belonging to *Elizabeth Town*; and from thence to run the same Line West into the Land with the North and South Line, as is expressed in the said Indian Bill of Sale, equal with the other Moiety belonging to *Elizabeth Town* aforesaid, to the said *Daniel Pierce* and his Associates, their Executors and Administrators for ever; as by the said Indenture recorded in Lib. 1, other End, pag. 2, may appear.

And your Orators conceive, that the last Indenture aforesaid, is an Evidence that the People of *Elizabeth Town* themselves, esteemed the said Grant from Governor *Nicholls* of no Validity, seeing those intitled only by the Indian Purchase, are the Grantors of the said Indenture. And your Orators charge, that the Grantee and his Assigns, have to this Day held the same, without any Claim made by Virtue of the said Grant from Governor *Nicholls*. And your Orators conceive, that it's also an Evidence, that at the Date thereof no other Persons were intitled to what Right the said Indian Purchase gave, than the said *Philip Carteret*, *John Ogden* and *Luke Watson*; for that your Orators charge, that the Grantee and his Assigns have to this Day held the same without any Claim, by from or under any other Person pretending to a Right by the said Indian Purchase.

And your Orators say, That the 80 Pounds sterl. acknowledged received by the said Deed, did fully reimburse what was paid by Governor

Carteret and others, as aforesaid, for the said Indian Purchase to *Bailey*, *Denton* and *Watson*, for by comparing the Consideration acknowledged paid for one Moiety by the said last Indenture, with the Consideration agreed to be paid for the Whole by the Indian Bill of Sale therein mentioned, it will appear, that the 80 Pounds sterl. the Consideration paid by said *Pierce*, for the one Moiety, is of more than twice the Value of the Consideration agreed to be paid for the Whole, by *Bailey*, *Watson* and *Denton*; as by the Estimate on the Margin * hereof, which they say is more than it could well be estimated at, will appear.

And your Orators do further shew, That by an Indorsement on the said last Indenture, dated the third Day of *December*, 1667, he the said *Daniel Pierce*, did acknowledge to be his Associates, and to have equal Share and Privilege with him in that third Part of the Whole of the said Purchase, that is, for accommodating of the Town called *Woodbridge*, viz. *Joshua Pierce*, *John Pike*, *John Bishop*, *Henry Jaques*, *Hugh Marsh*, *Stephen Kent*, *Robert Dennis* and *John Smith*.

And your Orators do further shew unto Your Excellency, That on the same third Day of *December*, 1667, the said Governor *Philip Carteret*, granted to the said *Daniel Pierce*, a Commission to lay out and survey the Bounds of *Woodbridge*, and every Man's particular Proportion; as by the Record thereof in Lib. 3, Commissions Side, pag. 12, may appear.

And your Orators do further shew unto Your Excellency, That the said *Daniel Pierce*, by Deed bearing Date the 18th Day of *December*, 1666, did convey one third Part of what he had so purchased as aforesaid, unto *John Martin*, *Charles Gilman*, *Hugh Dun* and *Hopewell Hull*, being for the Inhabitants of *Piscataway*; and the said *John Martin* and *Hopewell Hull*, by Indorsement on the said Deed to them, did, in Behalf of themselves and Partners, nominate and appoint to be

	Sterl. Money.
* Twenty Fathom of trading Cloth, suppose to be 40 Yards, but is not so much, seeing the Fathoms were measured by an ordinary Man's stretching his Arms out; but shall suppose it 45 Yards, the Length of a Piece of Duffels, which is usually bought for between three and four Pounds sterl. suppose with Merchant's Gain and Charges	£. 8 0 0
Two made Coats; suppose 2 Yards in each (as Breadth of Duffels is above 6 Quarters wide) and Making and Gain,	2 0 0
Two Guns, such as cost 7/6 d sterl. with Merchant's Gain and Charge, suppose	3 0 0
Two Kettles: As Indians carry all their Goods with them from Place to Place on their Backs, they seldom use Kettles holding above one Gallon and a half,	1 0 0
Twenty Handfulls of Powder, suppose half a Pound to a Handful, which is more than could be, is 10 Pound of Powder; and suppose it one Shilling sterl. a Pound, and for Merchant's Gain 2 Shillings,	1 0 0
Ten Barrs of Lead, about 5 Pound per Barr, is 50 Pound of Lead, suppose 20/ per Hundred, and Merchant's Gain, &c.	1 0 0
Four Hundred Fathom of white Wampon, or 200 black, after a Year's Possession. 3 black Wampon made what was called a Stiver here by the Dutch, and 20 Stivers made what they called a Gilder, a Gilder was always and is as yet six Pence of this Country Currency, and a Fathom contained less than 310 Wampon, then the Whole is 62,000 black Wampon; is 20,667 Stivers; is 1034 Gilders; is 517 Shillings; is 25 l. 17 s. Currency; and call Exchange 25 l. which is lower than ever was known, it makes	20 14 0
	In all £. 36 14 0

be joined to them, to be their Associates, *Robert Dennis, John Smith, John Gilman* and *Benjamin Hull*, who are to have equal Power with them, and to be entred so on Record ; and this acknowledged the 11th Day of *May*, 1668, before *James Bollen*, Secretary ; as by the Record thereof in Lib. 3, fol. 5, may appear.

And your Orators do further shew unto Your Excellency, That the said *Daniel Pierce* and *John Martin*, and their Associates, very soon after, had Patents at one Half-penny sterl. Quit-Rent *per Annum, per Acre* ; by Virtue of which Patents, they and their Heirs and Affigns, have ever since the granting thereof to this Day, quietly and peaceably held, possessed and enjoyed the same Lands ; a List of so many of which as have come to your Orators Knowledge, is in the said Schedules N^o V. and VII. hereunto annexed, which contain the respective Grantees Names, the Dates, the Number of Acres granted, and the Book and Leaf in which the Patents are recorded.

And your Orators do further shew unto Your Excellency, That the said *Daniel Pierce*, and his Associates and Affigns, Settlers of *Woodbridge*, did obtain a Charter of Privileges under the Seal of *New-Jersey*, bearing Date the first Day of *June*, 1669, wherein the Tract of Land therein described, and said to contain six Miles square, is erected into a Township and Corporation ; and the second Clause thereof is in the following Words :

' The said Corporation or Township, called by the Name of *Woodbridge*, shall consist at least of sixty Families, and as many more as they shall think fit ; which Families shall be accounted as the Associates and Freeholders of the aforesaid Corporation or Township ; which Freeholders, or the major Part of them, are equally to divide the aforesaid Tract of Up-Land and Meadow amongst themselves, by first, second and third Lots, or as they can otherwise agree upon ; *provided*, that *Amboy* Point be reserved to be disposed of, by the Lords Proprietors, towards the thousand Acres of Up-Land and Meadow that is reserved by the first Articles, made before the Settling of the said Township, to their Use, in lieu of the seventh Part mentioned in the Concessions ; and when settled, to pay all Rates equal with other Plantations ; which Land being so divided and agreed upon, by all, or the major Part, of the said Freeholders, the same is to be entred upon Record, by the Secretary or Recorder-General of the Province ; and also a Record thereof to be kept in the Town Book of Records, together with every particular Man's Name of his

Allotment that he is to have ; which being done, the Surveyor-General is, by a Warrant from the Governor, to survey, butt and bound every particular Man's Allotment, and to bring the same to remain upon the File in the Secretary's Office, that recourse may thereunto be had on all Occasions : And for the more Security of every Man's Right, and the Lords Proprietors Interest, every particular Man is hereby obliged, to hold his Land by Patent from the Lords Proprietors ; and to pay to them their Heirs, Successors or Affigns, as an Acknowledgement or Quit-Rent yearly, on every 25th Day of *March*, according to the English Account, the Sum of one Half-penny, of good and lawful Money of *England*, or the Value thereof in good and current Pay of the Country, for every Acre that shall be so patented ; which said Payment is to begin on the 25th Day of *March*, 1670, and to continue for ever ; which said Rent is to be paid within the Province to the Receiver-General, without any Charge to the Lords Proprietors : *Always provided*, That if the aforesaid Freeholders, shall wilfully neglect to patent their Proportions of Land as aforesaid, that it shall and may be lawful for the said Lords Proprietors, their Heirs, Successors or Affigns, to dispose of the same as they shall think fit ; as also of all such Proportions of Land as shall remain unpatented, according to the aforesaid Survey, unless the said Corporation or Township will answer the Rent as aforesaid, and patent the same within three Years from the Day of the Date hereof ; and that all Lands so surveyed, patented and recorded as aforesaid, is to remain to them, their Heirs, Executors, Administrators or Affigns for ever ; and after seven Years in Possession, the said Land is not upon any Pretence whatsoever, to be re-surveyed, nor the Bounds altered, but to remain and continue according to the first Survey for ever : And moreover, that all Bargains, Sales and Transports of Land, House or Houses, from one Man to another ; and all Leases for Land, House or Houses, made or granted to any Tenant, for above the Space of one Year, shall be acknowledged by the Grantor, before the Governor or Justice of Peace, or by two sufficient Witnesses, attested on the back Side of the said Deeds or Leases, and so to be recorded by the Secretary or the Recorder-General as aforesaid, to avoid all Controversies in Law ; for neglect whereof, all such Bargains and Sales, Transports and Leases, are to be void and of none in Effect Law.' As by the same Charter, recorded in Lib. 1, pag. 51, may appear.

appear. To which Charter the Grantees thereof obtained the Confirmation of the said Lord Berkley and Sir George Carteret, the then Proprietors; which Confirmation
5 is recorded in Lib. 1, pag. 144.

And your Orators conceive, that as the Defendants and Confederates have concealed or destroyed the *Elizabeth Town* Minute Book, or Record, in which the several Agreements
10 with Governor Carteret for the Settlement of that Town were entered; this Charter, with the other Transactions aforesaid, between him and the People of *Woodbridge* and *Piscataway*, who settled upon the Southermost half
15 of the Lands in Question, ought in Reason to be supposed to be of the same Nature with the Agreements and Transactions for that Purpose with *Elizabeth Town*; and as it appears that these were upon the Footing of
20 the Concessions and not upon *Nicholls's* Grant, there is the highest Reason to suppose, that the Agreement for the Settlement of *Elizabeth Town*, in the said Book pretended to be lost or destroyed, were upon the like Footing;
25 which Supposition will be rendered highly probable, if not evident, by what follows.

And your Orators do further shew unto Your Excellency, That upon the Inhabitants settling at the Place which by Governor Carteret was called *Elizabeth Town*, as aforesaid,
30 they, as they came, severally took an Oath in the following Words, to wit.

You do swear upon the Holy Evangelists, contained in this Book, to bear true Faith
35 and Allegiance to our Sovereign Lord King CHARLES the Second, and his Successors; and to be true and faithful to the Lords Proprietors, their Successors, and the Government of this Province of New-Jersey, as long as you
40 shall continue an Inhabitant under the same, without any Equivocation or mental Reservation whatsoever: And so help you God.

Under which Oath is the Names of Sixty-five Persons, who had taken it as Inhabitants
45 of *Elizabeth Town*, among which are the said John Ogden and Luke Watson, in which Ogden and Watson, with the said Philip Carteret was vested, whatever Right the said Indian Purchase could give, as aforesaid, except
50 what they had granted to *Pierce* as aforesaid; as by the said Oath and Names under it, entered in Lib. 3, fol. 7, may appear; and some of the Names under it appear by said Schedule, N^o VIII. annexed.

55 And your Orators do further shew, That on several of the Trials at Law between your Orators and Persons claiming under them, against those claiming under the Pretence aforesaid; the Defendants claiming under
60 that Pretence, gave in Evidence a Writing

in the Hand Writing of *Samuel Whitehead*, Town Clerk of *Elizabeth Town*, in the following Words, to wit.

At a Meeting Court held at *Elizabeth Town*, in the Province of New-Jersey, the
5 19th of February, 1665-6, by the Freeholders and Inhabitants thereof: James Bollen, Esq; President, by the Approbation of the Governor Philip Carteret, Esq; it was concluded and
10 agreed, that the aforesaid Town shall consist of Four score Families for the present, and that if hereafter more shall present, they may make
15 an Addition of Twenty more, according to their Discretion for the Good and Benefit of the Town shall seem fit.

A true Copy from *Elizabeth Town* Book of Records, No. A. fol. 14, per

Samuel Whitehead, Town Clerk.

And your Orators do further shew unto Your Excellency, That in order for the Settlement of a Township at the Place so called
20 *Elizabeth Town*, by Governor Carteret as aforesaid, some of the Terms for settling there, amongst others, were agreed with the Consent of Governor Carteret, viz. That small Par-
25 cels of Land should be laid out to every Inhabitant who came, in Part of what he was intitled to by the Concessions as aforesaid, to wit. To every Inhabitant in the Town Plat
30 of *Elizabeth Town*, a Home Lot containing about four Acres, and a Pittle or Addition to it containing about two Acres; and the Inhabitants of the Town were agreed to be
35 divided into first Lot Right Men, second Lot Right Men, and third Lot Right Men; by which was understood, that in the future
Divisions after the home Lot and Pittle, near the Town Plat, a second Lot Right Man
40 should have twice as many Acres as a first Lot Right Man, and also that a third Lot Right Man should have three Times as many
45 Acres as a first Lot Right Man: Which Agreements were made by the Inhabitants, with the Advice and Consent of Governor Philip Carteret aforesaid; and after the home
50 Lot and Pittle was agreed on as aforesaid, in the Town Plat, a first Division was agreed on, containing six Acres for a first Lot Right Man, twelve Acres to a second Lot Right
55 Man, and eighteen Acres to a third Lot Right Man; and afterwards a second Division was agreed upon, of twelve Acres to a first Lot Right Man, Twenty-four Acres to a second
Lot Right Man, and of Thirty-six Acres to a third Lot Right Man. And your Orators
60 expressly charge, that the said home Lot and Pittle, and also the said first Division and second Division of the Quantities aforesaid, so agreed to by Governor Carteret with the People of *Elizabeth Town*, were all agreed to be
laid

laid out before the Year 1670, and are all the Quantities that were ever agreed to be laid out by Way of first, second and third Lot Rights, or otherwise, until the Year 5 1699, during the Time of what's called the Revolution in *New-Jersey*, herein after mentioned; before which Time your Orators expressly charge, that no People of *Elizabeth Town* ever presumed to agree to lay out and 10 divide, or did lay out and divide any Lands, but with the Consent of and by the Direction of Governor *Carteret*, upon the Footing of the Concessions aforesaid.

And your Orators do further shew unto 15 Your Excellency, That in the several Trials between the *Elizabeth Town* People and the Proprietors, it has been admitted on both Sides, that Divisions of such Quantities as aforesaid, for home Lot and Pitle, and a 20 first Division and a second Division had been agreed on, and made with the Consent of Governor *Carteret*; but those of *Elizabeth Town* insisted, that those Divisions were agreed on and made by Virtue of their Pre- 25 tence, under the said Indian Purchase and *Nicholls's* Grant, which Right, they say, was approved of by Governor *Carteret*, by his Purchase of Part thereof and with settling them upon it; but the Proprietors insisted, 30 and still do insist, that as they were made all with the Consent of the Governor *Philip Carteret*, that he never could be supposed to agree to them on that Pretence, because of the many Facts and Reasons herein before and 35 after mentioned; but that such Divisions were made in Part of what was due to each Inhabitant by Virtue of the Concessions, and for which they were thereby to have Patents at a Half-penny sterl. per Acre; which several 40 Divisions did not in the Whole amount even to a third Lot Right Man, to more than what was coming to the least single Person by the Concessions, to wit. Sixty Acres to the very last Comers; and to inforce this, 45 the Proprietors by their Council gave in Evidence, and now do here offer to this Court, a Commission from Governor *Carteret* to *John Bracket*, setting forth, that he found a Necessity for the laying out of the Bounds of 50 *Elizabeth Town*, and to survey and bound every particular Man's Proportion or home Lots, for the avoiding all Controversies and Disputes concerning the same; he therefore thought fit in the Absence of the Surveyor- 55 General, to nominate and appoint *John Bracket*, to lay out, survey and bound the said Bounds of *Elizabeth Town*, and to lay out every particular Man's Proportion according to his Allotments, according to the 60 Directions that he the said *John Bracket*

should from Time to Time receive from him and not otherwise; as by the said Commission, dated the 19th Day of *December*, 1667, recorded in Lib. 3, pag. 12, may more fully appear. And your Orators expressly 5 charge, that such Commission was accordingly granted, and the Proprietors by their Council on several Trials also gave in Evidence, and now do offer to this Court a Paper in the Words following, to wit. 10

'We, whose Names are under-written, do humbly petition unto the Governor and 15 his Council, that we may have our Lands laid out unto us, according to the Agreements made by the Inhabitants and Con- 15 sent of the Governor with them, as may more fully appear in the Town Records; which if it cannot be granted, we do not see how we can possibly subsist in the Town, but shall be forced to look out some where 20 else for a Livelihood.'

Which Paper is in the Hand-writing of *Isaac Whitehead*, first Town Clerk of *Elizabeth Town*, as by comparing it with all the Papers in his Hand-writing, given in Evidence 25 in Behalf of the *Elizabeth Town* People, appeared, and is signed by the said *Isaac Whitehead*, and seventeen more of the Inhabitants of *Elizabeth Town*, who had sworn Fidelity to the Lords Proprietors as before; and as 30 hereafter shall be mentioned, appear to be all of the Number of those Associates of *Elizabeth Town*; and some of whose Hand-writings were also proved and admitted upon the said Trials, and upon those Proofs in sundry Trials 35 read; as by the said original Petition here ready to be produced, may appear; and the Signers thereto are mentioned in the Schedule, N^o VIII. annexed: But as the said Petition has no Date, your Orators conceive it reason- 40 able to believe, that it was before the granting the said Commission to *John Bracket*, which was in Effect a Grant of the Prayer thereof; and some of the Signers thereto, particularly *Benjamin Homan*, had been dead 45 about Seventy Years before those late Trials; and that Time, for its Date, or near to it, may be inferred from sundry other Facts herein set forth: And from which Petition its to be inferred, that the Agreements of the 50 Town for laying out of Lands, were made with the Consent of the Governor, who could never consent to the laying them out on Pretence of their having a Right under the Indian Purchase, or *Nicholls's* Grant, or 55 on any other Footing than in Part of what was due to them by the Concessions, as aforesaid; and from thence it appeared, that they had a Book which they called the Town Records (and of which from Time to Time 60 they

they produced Copies of Scraps, without any other Proof than that they were the Hand-writing of *Isaac Whitehead*, their first Clerk, or of *Samuel Whitehead*, their second Clerk, and certified by them as true Copies out of the Town Books of Records) but never would produce this Book, which would have made those Agreements appear in their true Light, but pretend that the said Book is lost.

10 And your Orators do shew unto Your Excellency, That in *June* 1743, your Orators discovered two strong Pieces of Evidence on this Point, in Lib. 3, pag. 9 and 10, in the following Words.

15 'An Act made by the Governor and Council, concerning the felling of Timber.

'WHEREAS I am informed by Way of Complaint, from divers of the Inhabitants of this Town, that there are several Persons that do presume to fell and cut down the best of Timber Trees in and about this Town, without any Licence or Leave from those that are or may come to be the true Owners thereof, converting them to their own private Advantage and Profit, to the great Destruction of Timber for building, and the Lords Proprietors Woods, and to the great Discouragement of all those that are already and that are to come to inhabit this Town: For the preventing thereof, and to avoid so great an Inconveniency and Destruction of this Plantation, as may ensue by permitting such disorderly Proceedings, I have thought fit, and do by these Presents, together with the Advice of my Council, will and command, that no Person or Persons whatsoever, shall presume to cut down or fell any Timber Trees that are useful either for Building, Fencing, or the making of

40 'Pipe Staves, in any home Lots not properly belonging to themselves, nor within the Compass of three Miles of any home Lot belonging to this Town, without Licence first obtained from the Governor, or Leave from the Owners of the Land; upon the Penalty of forfeiting the Sum of Five Pounds sterl. for every such Tree so fallen or cut down; provided, that it may and shall be lawful for any of the Inhabitants of this

50 'Town to clear their own Lots, and other Lands to plant upon, according to the Act made the 30th Day of *April* last past, and in so doing it shall and may be lawful for any of them, to convert the Wood and

55 'Timber growing upon the same to their best Use and Advantage, and not otherwise. Given under my Hand at *Elizabeth Town*, the 13th of *June*, 1666.

60 *James Bollen,*
John Ogden.

PHILIP CARTERET.

By the Governor and his Council.

'THAT whereas there is a Point or Neck of Land, generally known by the Name of *Normans-Hook*, bounded on the South Side by *Arthur-Cull* River, and on the Eastermost Side by *Snake-Hill* River; which said Point or Neck of Land the Governor and Council, upon serious Consideration, and for certain and importunate Reasons best known unto themselves, have thought fit, and do by these Presents reserve, and order, that the said Neck of Land, from the Mouth of the Creek belonging to *Elizabeth Town*, and so running upon a direct Line North East to the Meadow on the East Side of the Point, and in Breadth upon the firm Land eighty Rods, together with the Meadows adjoining on the South and South East Side of it, shall remain to the Lords Proprietors of this Province and their Heirs, to be by them disposed of as they shall think fit, as a Part of that Proportion of Land which of Right they are to have out of every Township: Wherefore these are strictly to require and command, that not any Person or Persons whatsoever, do presume to Fell any Wood or Timber, nor to build any House or Cottage, neither to plow, how, or in any wise manure upon, or any Part or Parcel of this Point or Neck of Land, without special Leave or Licence first obtained from the Governor, upon the Penalty of forfeiting their Labour and Costs to the Lords Proprietors, and to be fined for their Contempt as the said Governor and his Council shall think fit. Given under our Hands at *Elizabeth Town*, in the Province of *New-Jersey*, 30th *July*, 1666.

PHILIP CARTERET,

John Ogden, Robert Vanquillen, James Bollen.

By both which Evidences the Right of the Lords Proprietors to the Woods and Soil of *Elizabeth Town*, is not only fully acknowledged and declared by Governor *Carteret*, within a Year after his Purchase from *Bailey*, but is also declared and acknowledged by *John Ogden* (who claimed the Right of *Denton*) a Signer to both the said Acts; and the Place called *Normans-hook*, in the second Act aforesaid, appears by the Description thereof, to be the Place long since and still known by the Name of *Elizabeth Town Point*, on the North East Side of the Mouth of *Elizabeth Town* River. And your Orators say, that they have made the most strict search for the Act of *April* 30th, mentioned in the first of those Acts, but cannot find it in any of the Books of Records in the Secretary's Office; wherefore your Orators presume, that it must have been entered in the *Elizabeth Town Book*, especially

especiallly as it particularly concerned that Town, and not the Province in general; and which Act of *April* 30th, your Orators presume, must have contained the Rules and Terms upon which they were to have the other Land to plant upon; and that in pursuance of that Act, the first and second Divisions aforesaid, in *Elizabeth Town* aforesaid, have probably been made; and that that Act, with many other Things repugnant to the Defendants Pretensions, were Ingredients in the Motives to the concealing or destroying of that Book.

And your Orators do further shew unto Your Excellency, That tho' from Governor *Carteret's* Duty as Governor, and his Conduct with *Daniel Pierce*, in Behalf of the Towns of *Woodbridge* and *Piscataway*, herein before set forth, and other Facts and Evidences herein set forth; it cannot be presumed he could have consented to the laying out of the Divisions aforesaid in *Elizabeth Town* but upon the Footing and Terms of the Concessions; which were to take Patents, and pay the Quit Rent of at least a *Half-penny* sterl. per Acre, from the 25th of *March* 1670; yet when the Year 1670 came, tho' often requested by him to take Patents and pay their Quit Rents, according to the Concessions, they refused so to do; and set up a Pretence, not only to hold the Lands within the Bounds of the said Indian Purchase and *Nicholls's* Grant, but also to the Right of Government within the same; and the better to support this Pretence, they, with the Inhabitants of sundry other Towns, prevailed on *James Carteret*, a weak and dissolute Youth, Son of Sir *George Carteret*, one of the then Lords Proprietors, to assume upon him the actual Exercise of the Government of *New-Jersey*, as by their Election; who not only pretended that Title to the Government, but also as Proprietor by Grant from his Father to him, which he pretended he was not obliged to shew; and during this Usurpation, the said *James Carteret* forbad all Submission to the said Governor *Philip Carteret*, or any Person by him or his Council authorized, and committed some of the Officers of the Government to Prison, and confiscated their Estates; which obliged the Governor *Philip Carteret* (who appointed Capt. *John Berry* to be Deputy Governor in his Absence, by Commission in Lib. 3, pag. 54) and *James Bollen*, Secretary of the Province, to fly out of the Province and take a Voyage to *England*, to complain to the Proprietors of this Conduct of the Inhabitants, and of the said *James Cartret*; which Facts appear at large by sundry Matters upon Record, in Lib. 3, from pag. 52 to 66.

And your Orators do further shew unto Your Excellency, That in Consequence of that Complaint, the Proprietors, Lord *Berkley* and Sir *George Carteret*, obtained from his Grace the Duke of *York*, a Letter to his Governor of *New-York*, in these Words;

Col. *Lovelace*,

I DID, in the Year 1664, by Deed under my Hand and Seal, of the 24th of June, for the Consideration therein mentioned, grant unto John Lord *Berkley*, of *Stratton*, and Sir *George Carteret*, Knight and Bart. their Heirs and Assigns, all that Tract of Land adjacent to *New-England*, to the Westward of *Long-Island* and *Manhattons-Island*, as the same is bounded and set forth in and by the said Deed, with all Appurtenances whatsoever to the said Lands and Premises belonging, in as full and ample Manner as the same is granted unto me by his Majesty's Letters Patents under the Great Seal of *England*, bearing Date the 12th Day of *March*, in the 15th Year of his Majesty's Reign; of which said Premises they were actually possessed, by Virtue of an Indenture of Lease by me made unto them; all which hath been sufficiently witnessed in those Parts, both by the said Grantees publicly pursuing the Ends of the said Grants, and by my Letters, of the 28th of *November*, 1664, to Colonel *Nicholls*, then Governor of my Territories in *America*, signifying the same to him, and requiring him and all others therein concerned, to yield their best Assistance in the quiet Possession and Enjoyment of the Premises, to all such Persons as my said Grantees should at any Time appoint and authorize, to negotiate their Affairs in these Parts. Nevertheless, I am informed that some contentious Persons there, do lay claim to certain Tracts of these Lands, under colour of pretended Grants thereof from the said Col. *Nicholls*; namely, one of the first of *December*, 1664, to *John Baker* and his Associates, and another of the 8th of *April*, to *William Golden* and his Associates; both which Grants being posterior to my said Grant of the 24th of June, as I am informed, are void in Law; and therefore I would have you take Notice your self, and when Occasion offers, make known to the said Persons, and to all others (if any be) pretending from them, that my Intention is not at all to countenance their said Pretensions, nor any other of that Kind, tending to derogate in the least from my Grant above mentioned, to the said John Lord *Berkley* and Sir *George Carteret*, their Heirs and Assigns; and they, my said Grantees, having promised to give effectual Directions to their Deputies and Agents there, to be assisting to you; I do desire you and all others herein concerned, in like Manner effectually to assist them

them, in furthering the Settlement, and maintaining the Quiet of those Parts.

Your loving Friend, JAMES.

Whitehall, 25th November, 1672.

5 As by the Record thereof, in the Minutes of Council of New-York, in the Secretary's Office of New-York, of the 15th of May, 1673, and in the 147th Page of that Book; and also another Record thereof in the Secretary's Office of New-Jersey, in Lib. 3, pag. 59, may appear.

And your Orators do further shew unto Your Excellency, That the said Proprietors did procure another Letter, from his Majesty 15 King CHARLES the Second, directed to Capt. John Berry, Deputy Governor of New-Jersey, and his Council, in these Words;

CHARLES R.

20 **T**RUSTY and well-beloved, we greet you well. Having been informed that some turbulent and disaffected Persons, living and inhabiting within the Province of Nova Caesarea, or New-Jersey, (the Propriety whereof we have granted to our right, trusty and well-beloved Counsellors, John Lord Berkley of 25 Stratton, and Sir George Carteret, Knight and Baronet) do refuse to submit and be obedient to the Authority derived from us to the said Lord Berkley and Sir George Carteret, 30 as absolute Proprietors of the same, to the great Prejudice of the said Lords Proprietors, the Disturbance of the Inhabitants, and Hindrance of the whole Plantation there designed; we do therefore hereby require you in our Name, 35 strictly to charge and command all Persons whatsoever, inhabiting within the said Province, forthwith to yield Obedience to the Laws and Government there settled and established by the said Lords Proprietors, having 40 the sole Power under us to settle and dispose of the said Country, upon such Terms and Conditions as they shall think fit; and we shall expect a ready Compliance with this our Will and Pleasure, from all Persons whatsoever, dwelling or remaining within the aforesaid Province, upon Pain of incurring our high Displeasure, and being proceeded against with due Severity according to Law; whereof you are 50 to give publick Notice to all Persons, that are or may be concerned; and so we bid you farewell. Given at our Court at Whitehall, the 9th Day of December, 1672, in the 24th Year of our Reign.

By his Majesty's Command, HENRY COVENTRY.

55 As by the Record thereof, in Lib. 3, pag. 58, may appear.

And your Orators do further shew unto Your Excellency, That the said Lord Berkley and Sir George Carteret, Proprietors, by sundry 60 Instruments under their Hands and Seals,

bearing Date the sixth Day of December, 1672, did, amongst many other Things, therein declare as follows;

' We being made very sensible of the great Disorders in the said Province, occasioned 5 ' by several Persons, to the great Prejudice of our selves, our Governor and Council, and ' all other peaceable and well minded Inhabitants within our said Province, by claiming ' a Right of Propriety, both of Land and Government. 1st, We do therefore hereby 10 ' declare, that all Lands granted by our Governor, to the 28th of July, 1672, and confirmed in our Names, by Patents or Charters ' upon Record in our Secretary's Office, and 15 ' under our Province Seal, signed by him and the major Part of his Council, shall remain ' to the particular Owners thereof, their Heirs, &c. for ever, with all the Benefits, ' Profits and Privileges therein contained; 20 ' they performing what they are obliged unto in every of the said respective Patents or Charters. 2dly, For such as pretend to ' Right of Propriety to Land and Government within our Province, by Virtue of 25 ' any Patent from Governor Col. Richard Nicholls, as they ignorantly assert, we utterly disown any such Thing; a Grant they had ' from him, and upon such Conditions which ' they never performed, for by the said Grant 30 ' they were obliged to do and perform such Acts and Things as should be appointed by his Royal Highness, or his Deputies, the ' Power whereof remains in us, by Virtue of ' a Patent from his said Royal Highness, bearing 35 ' Date long before these Grants, which hath been often declared by our Governor, and now ratified and owned under the Sign Manual of his said Royal Highness, to Col. Lovelace, bearing Date the 25th November, 40 ' 1672; who demanded their Submission to our Authority, and to Patent their Land ' from us, and to pay our Quit Rent, according to our Concessions; which if they had ' done, or shall yet do, we are content that 45 ' they shall enjoy the Tract or Tracts of Land they are settled upon, and to have such other Privileges and Immunities as our Governor and Council can agree upon; but without ' their speedy Compliance, as abovesaid, we 50 ' do hereby order our Governor and our Council, to dispose thereof in Whole or in Part, for our best Advantage, to any other ' Persons; and if any Person or Persons do ' think they have Injustice or Wrong done, 55 ' by this our positive Determination, they may address themselves to the King and Council; and if their Right to that Land ' or Government appears to be better than ' ours, we will readily submit thereunto. 60 ' That

‘That all Grants of Land, Conveyances, Surveys, or any other Pretences for the hold of Land whatsoever, within our said Province, that are not derived from us, according to the Prescriptions in our Concessions, and entered upon Record in our Secretary’s Office in our said Province, we declare to be null and void in Law.

‘It shall be in the Power of the Governor and his Council, to admit of all Persons to become Planters and Freemen of the said Province, without the General Assembly; but no Person or Persons whatsoever, shall be counted a Freeholder of the said Province, nor have any Vote in electing, nor be capable of being elected for any Office of Trust, either in civil or military, until he doth actually hold his or their Lands by Patent from us the Lords Proprietors.

‘That concerning the regular laying out of Lands, Rules for building each Street in Townships, and Quantities of Ground for each House Lot; the same is left to the Freeholders or first Undertakers thereof, as they can agree with the Governor and Council, and not to the General Assembly, but to be laid out by the Surveyor-General. That all Warrants for Lands, not exceeding the Proportions in the Concessions, being only signed by the Governor and Secretary, shall be effectual, in case his Counsellors, or any Part of them, be not present.’

As by the Records of the said Instruments, in Lib. 3, pag. 59 to 62, may appear.

And your Orators do further shew unto Your Excellency, That the said Proprietors, by Instruments under their Hands, bearing Date the seventh and tenth Days of *December*, 1672, did, amongst other Things, direct the Deputy Governor and Council of *New-Jersey*, as follows;

‘We hope as soon as this comes to your Hands, and that you have perused those Papers, which we have sent by Mr. *Moore*, the turbulent Spirits in that Province will not continue any longer in their obstinate and wonted Extravagancies, but will be satisfied with his Royal Highness’s Letter to Col. *Lovelace*, whom we desire you to assist on all Occasions; the Copy of which Letter this Bearer brings with him to deliver unto you, and when received, we desire you to publish the same, with all other Orders from us to the several Inhabitants, that they may be informed of their Mistakes, and how they have been misled; for you will find his Royal Highness doth declare, that the Grant of Col. *Nicholls* is posterior to our Patent; and therefore, both in Law and Equity, the Right is solely in us; and upon

that Account we have sent over our Determinations concerning the hold of Land, as also our Interpretation of some Articles in our Concessions, according to which we desire you to act, and not to recede from any of them.

‘That the Land is to be purchased by the Governor and Council from the Indians, in the Name of us the Lords Proprietors, and then every individual Person is to reimburse us, at the same Rate it was purchased.’

As by the Records of the said Directions, in Lib. 3, pag. 62 and 63, may appear.

And your Orators do further shew unto Your Excellency, That his Majesty’s said Letter, his Royal Highness the Duke of *York*’s said Letter, the Declarations of the Lords Proprietors, their Instructions, Resolutions, and other Orders aforesaid, concerning the Publick, were published in the several Towns of *New-Jersey*, and particularly at *Elizabeth Town*, on the 6th of *May*, 1673; as by an Entry thereof, upon Record in Lib. 3, pag. 64, may appear.

And your Orators do further shew unto Your Excellency, That the Deputy Governor and Council of *New-Jersey*, on the 22d Day of *May*, 1673, did direct the People settled in *Elizabeth Town*, to comply with the Directions of the Proprietors aforesaid, and to take Patents for their Lands, pursuant to the Concessions, within ten Weeks from that Day, under the Penalty in the Proprietors Directions aforesaid set forth; as by the Record of the same Direction, in Lib. 3, pag. 83, may more fully appear. But (War having been proclaimed in *New-Jersey* against the Dutch as aforesaid) after the said 22d Day of *May*, and before the Expiration of the said ten Weeks, to wit, about the 30th Day of *July*, 1673, the Dutch Nation conquered the Colonies of *New-York* and *New-Jersey*, and abolished the English Government there, as herein before is set forth.

And your Orators do further shew unto Your Excellency, That on the 1st of *February*, 1673-4, the Dutch Nation, upon Peace having yielded up and surrendered to his Majesty King *CHARLES* the Second aforesaid, the Provinces of *New-York* and *New-Jersey* as aforesaid, and afterwards his Majesty having granted *New-York* and *New-Jersey* to his Brother *James* Duke of *York*, as herein before is set forth; and the said *James* Duke of *York* having also granted *East New-Jersey* to the said Sir *George Carteret*, as herein before is set forth; upon which Occasion he obtained of his Majesty King *CHARLES* the Second, another Letter directed to the Governor and Council of *New-Jersey*, in the following words, 60

CHA-

CHARLES R.

TRUSTY and well-beloved, we greet you well. Whereas our right, trusty and well-beloved Counsellor Sir George Carteret, Knight and Baronet, by Grant derived under us, is seized of the Province of Nova-Cesarea or New-Jersey, in America, and of the Jurisdiction thereof as Proprietor of the same, in the Plantation of which said Province, the said Sir George Carteret has been at great Charge and Expence; and whereas of late great Troubles and Disorders have happened there, by some ill affected Persons; we being willing and desirous, to encourage the inhabiting and planting of the said Province, and to preserve the Peace and Welfare of all our loving Subjects residing there, we do therefore hereby require you in our Name, to use your utmost Endeavours, to prevent all Troubles and Disorders there for the future, and strictly to charge and command all Persons whatsoever, inhabiting within the said Province, forthwith to yield Obedience to the Laws and Government which are or shall be there established by the said Sir George Carteret; who hath the sole Power under us, to settle and dispose of the said Country, upon such Terms and Conditions as he shall think fit; and we shall expect a ready Compliance with this our Will and Pleasure, from all Persons whatsoever, dwelling or remaining within the same, upon Pain of incurring our high Displeasure, and being proceeded against according to Law; whereof you are to give publick Notice to all Persons that are or may be concerned; and so we bid you farewell. Given at our Court at Windsor, the 13th Day of June, 1674, in the 26th Year of our Reign. By his Majesty's Command,

ARLINGTON.

As by the Record of the same Letter in Lib. 3, pag. 98, may appear.

And your Orators do further shew unto Your Excellency, That the said Sir George Carteret, in and by an Instrument under his Hand and Seal of the Province of New-Jersey, amongst other Things, did declare and set forth in these Words:

Directions, Instructions and Orders made and given by the Right Honourable Sir George Carteret, Knight and Bart. Vice-Chamberlain of His Majesty's Household, and one of His Majesty's most honourable Privy-Council, Lord Proprietor of the Country and Province of Nova-Cesarea or New-Jersey; together with a Declaration by him made of the true Intent and Meaning, and an Explanation of the several Articles of the Concessions formerly made by him and the Lord John Berkley, dated 10th of January, in the Year of our Lord 1664, to be observed by the Governor, Council and Inhabitants of the said Province.

WHEREAS during the late Wars between his Majesty and the Dutch, the Countries of New-York and New-Jersey, and other adjacent Parts, were conquered by them, who have since, in Pursuance of the Treaty of Peace, restored all the said Countries to his Majesty; and his Majesty having been since pleased to grant the same by his Letters Patents to his Royal Highness the Duke of York, and his said Royal Highness having since, by Deed dated 28th of July Instant, granted to us, our Heirs and Assigns, all that Tract of Land adjacent to New-England, and lying and being to the Westward of Long Island and Manhattons Island, and bounded on the East Part by the Main Sea and Part by Hudson's River, and extends Southward as far as a certain Creek called Barnagat, being about the Middle between Sandy Point and Cape May, and bounded on the West in a straight Line from the said Creek called Barnagat, to a certain Creek in Delaware River, called Rancokus-Kill, and from thence up the said Delaware River to the Northernmost Branch thereof, which is in 41° 40' of Latitude; which said Tract of Land is to be called Nova Cesarea, or New-Jersey: Now we being willing to settle and establish the Peace and Welfare of the said Country or Province, have made these Directions, Instructions and Orders, and also the Declaration and Explanation of several Articles, as followeth;

1st, We being made very sensible of the great Disorder in our Province, occasioned by several Persons, to the great Prejudice of our self, our Governor and Council, and all other peaceable and well-minded Inhabitants within our said Province, by claiming a Right of Propriety, both of Land and Government; wherefore we do hereby declare; First, That all Lands granted by the Governor to the 28th of July, 1672, and confirmed in our Names, by Patents or Charters, upon Record in our Secretary's Office, under our Province Seal, signed by him and the major Part of his Council, shall remain to the particular Owners thereof, their Heirs, &c. for ever, with all the Benefits, Profits and Privileges therein contained, they performing what they are obliged unto in every of the said respective Patents and Charters. 2d, For such as pretend to a Right of Propriety to Lands and Government within our Province, by the Virtue of any Patent from Governor Col. Richard Nicholls, as they ignorantly assert, we utterly disown any such Thing; a Grant they had from him, upon such Conditions which they never performed, and by the

said

' said Grant they were obliged to do and
 ' perform such Acts and Things as should be
 ' appointed by his Royal Highness, or his
 ' Deputy, whose Power remained in us, by
 5 ' Virtue of a Patent from his said Royal
 ' Highness, bearing Date long before those
 ' Grants; which hath been often declared by
 ' our Governor, and since owned under the
 ' Sign Manual of his Royal Highness, bearing
 10 ' Date 25th November, 1672, and demanded
 ' their Submission to our Authority, and to
 ' Patent their Land from us, and pay our Quit
 ' Rent, according to our Concessions; which
 ' if they had done, or shall yet do, we are con-
 15 ' tent they shall enjoy the Tract or Tracts of
 ' Land they are settled upon; provided it hath
 ' not been taken up contrary to our Order,
 ' and that it be not to the Prejudice of the
 ' rest of the Inhabitants, and to have such
 20 ' other Privileges and Immunities, as our Go-
 ' vernor and Council and they shall agree
 ' upon; but if such Persons as have not al-
 ' ready received Patents of their Land from
 ' us, shall not, within one Year after Notice
 25 ' to them given of this our Pleasure therein,
 ' desire and accept Patents of their said Land,
 ' we do hereby order our Governor and
 ' Council, to dispose of such Lands and Te-
 ' nements, in Whole or in Part, for our best
 30 ' Advantage, to any other Persons; and if any
 ' Person or Persons do think they have In-
 ' justice or Wrong done them, by this our
 ' positive Determination, they may address
 ' themselves to the King and Council; and
 35 ' if their Right to that Land or Government
 ' appears to be better than ours, we will
 ' readily submit thereunto.

' That all Grants of Land, Conveyances,
 ' Surveys, or any other Pretences for the
 40 ' hold of Land whatsoever, within our said
 ' Province, that are not derived from us, ac-
 ' cording to the Prescriptions in our Conces-
 ' sions, and entered upon Record in our
 ' Secretary's Office in our said Province, we
 45 ' declare to be null and void in Law.

' That the Governor and Council shall
 ' allow 80 Acres *per* Head, to such Persons
 ' as come to settle near *Delaware* River, or
 ' any Place above ten Miles from the Sea, or
 50 ' from any other River navigable with Boats;
 ' to those that come to settle nearer, sixty
 ' Acres as before.

' That the Land is to be purchased from
 ' Time to Time, as there shall be Occasion,
 55 ' by the Governor and Council from the In-
 ' dians, in the Name of the Lord Proprietor;
 ' and then every individual Person is to reim-
 ' burse the Lord Proprietor, at the same Rate
 ' as it was purchased, together with the
 60 ' Charges.

' That all Strays of Beasts at Land, and
 ' Wreck at Sea, belong to us the Lord Pro-
 ' prietor; and that all Persons that shall dis-
 ' cover any such Thing, shall have such
 ' Satisfaction for their Pains and Care, as the
 5 ' Governor and Council shall think fit.

' That the Arrears of the Quit Rent of
 ' *Elizabeth Town, Newark, New Piscatta-*
 ' *way*, and the two Towns of *Navesinks*, and
 ' all other Plantations that have not paid since
 10 ' 1670, be paid to our Receiver-General, at
 ' the Rate of one *Half-penny* sterl. a Year
 ' for every Acre, besides the growing Rent,
 ' till the Arrears be satisfied.

' That it shall be in the Power of the
 15 ' Governor and his Council, to admit of all
 ' Persons to become Freemen of the said Pro-
 ' vince, without the General Assembly; but
 ' no Person or Persons whatsoever, shall be
 ' accounted a Freeholder of the said Province,
 20 ' nor have any Vote in electing, nor be capa-
 ' ble of being elected for any Office of Trust,
 ' either civil or military, until he doth actu-
 ' ally hold his or their Lands by Patent from
 ' us the Lord Proprietor; and that the gran-
 25 ' ting and confirming of Corporations, shall
 ' be in the Power of the Governor and
 ' Council.

' That the Governor and his Council may
 ' dispose of Allotments of Land to each par-
 30 ' ticular Person without the General Assembly,
 ' according to our Directions, as he and they
 ' shall think fit.

' That concerning the regular laying out
 ' of Land, Rules for building of each Street
 35 ' in Townships, and Quantity of Ground for
 ' each House Lot; the same is left to the
 ' Freeholders or first Undertakers thereof, as
 ' they can agree with the Governor and
 ' Council, and not to the General Assembly,
 40 ' but to be laid out by the Surveyor-General.

' That all Warrants for Lands, not ex-
 ' ceeding the Proportion in the Concessions,
 ' being only signed by the Governor and Se-
 ' cretary, shall be effectual, in case his Coun-
 45 ' cil, or any Part of them, be not present.

' And, *lastly*, We do hereby grant, order
 ' and direct, that the Concessions made, signed
 ' and sealed by the said *John Lord Berkley*
 ' and my self, bearing Date the 10th Day of
 50 ' *February*, 1664, shall be, continue and
 ' stand in Force, and be kept, maintained and
 ' performed in all and every of the Clauses
 ' and Articles thereof unto the said Province,
 ' except such of them, and in such Manner as
 55 ' the same, or any Part thereof, are altered or
 ' explained in or by these Presents, or in and
 ' by any former Order and Instrument, sent
 ' to the Governor or Deputy Governor and
 ' Council there, under the Hands of the said
 60 ' Lord

‘ Lord *Berkley* and my self, or under my own
 ‘ Hand alone. Given under my Hand and the
 ‘ Seal of the Province, at *Whitehall*, this 13th
 ‘ Day of *July*, in the Year of our Lord 1674,
 5 ‘ and in the 26th Year of the Reign of our
 ‘ Sovereign Lord *CHARLES* the Second.

As by the Record of the said Instruments,
 in Lib. 3, pag. 94 to 98, may appear.

And your Orators do further shew unto
 10 Your Excellency, That the said Sir *George*
Carteret, did then commissionate the said
Philip Carteret to be Governor of *East New-*
Jersey, who return’d to *East New-Jersey* with
 that Commission; which is recorded in Lib.
 15 C. N^o 3, pag. 7 and 8; the said Letter from
 King *CHARLES* the Second, and the said In-
 strument from Sir *George Carteret*; and on
 the sixth Day of *November*, 1674, he pub-
 lished them at *Bergen*, in Presence of his
 20 Council, and of the Commissioners sent by all
 the Towns except *Shrewsbury*; as by pag. 98
 and 99, of Lib. 3 aforesaid, may appear.

And your Orators do further shew unto
 Your Excellency, That your Orators found
 25 in the Hands of their Recorder, amongst
 other Papers belonging to the General Pro-
 prietors, a Copy of an Opinion given by some
 of the greatest Lawyers in *England*, about
 that Time; and which, your Orators sup-
 30 pose, to have been given about this Time;
 and to have been occasioned by the preceed-
 ing Broils with the People of *Elizabeth Town*,
 because it has no Date, and nothing that your
 Orators perceive in it to fix the Date of it;
 35 but its being therein said to be then about 180
 Years after the before mentioned Discovery,
 of the North East Coast of *America*, by *Se-*
bastian Cabot, which having been in 1497,
 and to which adding the said 180 Years,
 40 brings the Time of the Opinion to 1677;
 and as 180 was but a round Number, a few
 Years before, might well enough suit that.
 The Opinion is in these Words;

Council's Opinion concerning Col. Nicholls, his
 45 *Patent and Indian Purchases.*

‘ THE Land called *New-York*, and other
 ‘ Parts in *America*, now called *East New-*
 ‘ *Jersey*, was first discovered by *Sebastian Ca-*
 ‘ *bot*, a Subject of *England*, in King *HENRY*
 50 ‘ the Seventh’s Time, about 180 Years since;
 ‘ and afterwards further by Sir *Walter Ra-*
 ‘ *leigh*, in the Reign of Queen *ELIZABETH*;
 ‘ and after him by *Henry Hudson*, in the
 ‘ Reign of King *JAMES*, as also by the Lord
 55 ‘ *Delaware*, and began to be planted in the
 ‘ Year 1614, by Dutch and English; the
 ‘ Dutch placed a Governor there, but upon
 ‘ Complaint made by the King of *England*,
 ‘ to the States of *Holland*, the said States dis-
 60 ‘ owned the Business, and declared it was

‘ only a private Undertaking of the West-
 ‘ India Company of *Amsterdam*; so the King
 ‘ of *England* granted a Commission to Sir
 ‘ *Edward Loyden*, to plant these Parts, calling
 ‘ them *New Albion*, and the Dutch submitted 5
 ‘ themselves to the English Government; but
 ‘ in King *CHARLES* the First’s Reign, the
 ‘ Troubles in *England* breaking forth, the
 ‘ English not minding to promote those new
 ‘ Plantations because of the Troubles, the 10
 ‘ Dutch pretended to establish a Governor
 ‘ there again, until the Year 1660, when af-
 ‘ terwards it was reduced under the English
 ‘ Government, and included and ratified in
 ‘ the Peace made between *England* and *Hol-* 15
 ‘ *land*; then it was granted to the Duke
 ‘ of *York*, in 1664, who, the same Year,
 ‘ granted it to Lord *Berkley* and Sir *George*
 ‘ *Carteret*: Betwixt the Duke’s Grant to said
 ‘ Lord *Berkley* and Sir *George Carteret*, and 20
 ‘ Notice thereof in *America*, several Persons
 ‘ took Grants of Lands from Col. *Nicholls*,
 ‘ the Duke’s Governor, several of the Planters
 ‘ have purchased of the Indians, but refuse
 ‘ to pay any Acknowledgement to the King’s 25
 ‘ Grantees.

‘ *Question 1st*, Whether the Grants made by
 ‘ Col. *Nicholls*, are good against the Assignees
 ‘ of the Lord *Berkley* and Sir *George Carteret*?

‘ *Quest. 2d*, Whether the Grant from the 30
 ‘ Indians be sufficient to any Planter, with-
 ‘ out a Grant from the King or his Assigns?

‘ *Answer to the first Quest.* The Authority
 ‘ by which Col. *Nicholls* acted, determined
 ‘ by the Duke’s Grant to the Lord *Berkley* 35
 ‘ and Sir *George Carteret*, and all Grants
 ‘ made by him afterwards (tho’ according to
 ‘ the Commission) are void; for the delegated
 ‘ Power which Col. *Nicholls* had, of making
 ‘ Grants of the Lands, could last no longer 40
 ‘ than his Master’s Interest, who gave him
 ‘ that Power; and the having or not having
 ‘ Notice of the Duke’s Grant to the Lord
 ‘ *Berkley* and Sir *George Carteret* makes no
 ‘ Difference in the Law, but the Want of 45
 ‘ Notice makes it great Equity, that the pre-
 ‘ sent Proprietors should confirm such Grants
 ‘ to the People who will submit to the Con-
 ‘ cessions, and Payment of the present Pro-
 ‘ prietors common Quit Rents; otherwise 50
 ‘ they may look upon them as Dis-seisors,
 ‘ and treat them as such.

‘ *Answer to the second Question.* By the
 ‘ Law of Nations, when any People make
 ‘ Discovery of any Country of Barbarians, 55
 ‘ the Prince of that People who makes the
 ‘ Discovery, hath a Right to the Soil and
 ‘ Government of that Place; and no People
 ‘ can plant there, without the Consent of that
 ‘ Prince, or of such Persons to whom his 60
 ‘ Right

Right is devolved and conveyed: The Practice of all Plantations have been according to this, and no People hath been suffered to take up Land, but by the Consent and Licence of the Governor or Proprietors under the Prince's Title, whose People made the first Discovery; and upon their Submission to the Laws of the Place, and Contribution to the publick Charges of the Place, and the Payment of such Rent or other Value of the Soil, as the Proprietors for the Time being require: And tho' it has been, and still is, the usual Practice of all Proprietors, to give the Indians some Recompence for their Land, and so seem to purchase it of them; yet that is not done for want of sufficient Title from the King or Prince who has the Right of Discovery, but out of Prudence and Christian Charity, lest otherwise the Indians might have destroyed the first Planters (who are usually too few to defend themselves) and refuse all Commerce and Conversation with the Planters, and thereby all Hopes of converting them to the Christian Faith would be lost: In this the common Law of England and the civil Law doth agree; and if any Planter be Refractory, and will insist on his Indian Title or Purchase, and not submit to the Laws of Plantations; the Proprietors who have the Title under the Prince, may deny them the Benefit of the Law, and prohibit Commerce with them, as Opposers and Enemies of the publick Peace. Besides, it is observable, that no Man can go from England, to plant an English Plantation, without Leave from the Government, and therefore in all Patents and Grants of Plantations from the King, a particular Licence to carry over Planters is inserted; which Power in prohibiting is now in the Proprietors, as the King's Assigns; and therefore tho' some Planters have purchased of the Indians, yet having done it without the Consent of the Proprietors for the Time being, the Title is good against the Indians, but not against the Proprietors without a Confirmation from them, upon the usual Terms of other Plantations.

John Hollis, John Holt,
William Leck, William Thompson,
William Williams, Richard Wallop,
John Heyle, Henry Polloxfen.

And your Orators do further shew unto Your Excellency, That the Council of New-Jersey, by Letter, dated the 7th Day of November, 1674, wrote, amongst other Things, to Sir George Carteret, in these Words:

Right Honourable,
WE have received your Honour's Letter, of the 18th of August last, being very joyful of the Return of our Governor Capt. Philip Carteret, to our great Content, and (as we doubt not) as well to our Satisfaction, as to all other honest Subjects to his Majesty, and particularly to them, that have constantly yielded Obedience to your Honour's Interest and Government. As to those that have stood in Opposition, we do not doubt but in a short Time, with the Help of our Governor, to bring them, by all the Clemency and fair Means that may be, to a right Understanding; assuring your Honour, that there shall be nothing wanting in our Endeavours, in the propogating of your Honour's Interest, the Welfare of the Country, and the Peace and Unity of the People, to the Glory of God, the Satisfaction of your Honour, and the Prosperity of all the Inhabitants of your Province.

We are very sensible of the Disorders and Troubles that have happened amongst us, occasioned by some turbulent Spirits, which hath cost us much Time, Labour and Pains to redress, and brought your Honour's former Orders, Desires and Instructions to Perfection, had not the Dutch unhappily come in and nipt us in the Bud, to whom these old, turbulent People were more willing to submit, than to their lawful King and Lord; so that now we are to begin anew, which to effect we will be ready to wait and attend our Governor's Time, Place and Command, as the Weather and Season of the Year will permit us to meet together; much cannot be expected to be done till the Spring, the Winters being here very hard, and difficult for each of us to come together in one Place; but because our Governor and we would lose no Time, as soon as the Dutch Governor had quitted and delivered up the Fort and Country, we summoned the Inhabitants, by their Deputies, to meet for to hear his Majesty's Letter, the Governor's Commission, and those Instructions and Orders read, that our Governor brought over with him; farther we could not proceed for the present, but do intend, in a short Time, to meet together again, and then to settle all Things in Order.

As by the Record of the said Letter in Lib. 3, pag. 99, may appear.

And your Orators do further shew unto Your Excellency, That the Governor and Council of East New-Jersey aforesaid, on the 11th Day of December, 1674, issued a Proclamation, in which, amongst other Things, there is as follows;

*W*HEREAS the late past Distraction of Times, occasioned first by the Mutiny of several Male-content Inhabitants, and then

' then by the Arrival of the Dutch Forces in
 ' our Neighbour Colony, giving Opportunity
 ' to those seditious Spirits, to cover their for-
 ' mer Guilt with the Mantle of Treason, and
 5 ' leading in an Innovation of Authority, ho-
 ' ping to shrowd themselves from the Hand
 ' of Justice, by inviting an Enemy to protect
 ' them; by which Means the whole Frame
 ' of our Government hath been disjointed,
 10 ' and obliged our Lord Proprietor, at his great
 ' Expence, to obtain new Orders from his
 ' Majesty our gracious Sovereign, and his
 ' Royal Highness, for re-establishing the Go-
 ' vernment here; and having in order there-
 15 ' unto, sent over his Majesty's Letters Patents
 ' and Commands, not only to his Subjects in
 ' general, but likewise to the Governor and
 ' Council in particular, to conform to and
 ' perform the Orders and Instructions of our
 20 ' said Proprietor; whereby we find our
 ' selves not obliged to countenance the com-
 ' missionating any Person or Persons, to any
 ' Office military or civil, who have not pa-
 ' tented their Lands, &c. nor to yield the
 25 ' Privileges of a Corporation to any other-
 ' wise qualified, than the said Orders of our
 ' said Proprietor doth allow.

' And for the speedier accomplishing the
 ' Lord Proprietor's Orders, in settling the
 30 ' Government of this Province, as well mi-
 ' litary as civil, and for rendering the Inhabi-
 ' tants qualified, as well for a General
 ' Assembly, as elective for other Offices; *it*
 ' is hereby ordered by the Authority afore-
 35 ' said, That the Surveyor-General, or his
 ' Substitute, shall attend and remain at
 ' Newark, from the Beginning to the End of
 ' March ensuing, for running out and sur-
 ' veying Land there, in order for patenting
 40 ' the same.

' At *Elizabeth Town* aforesaid, he the said
 ' Surveyor-General, or his Substitute, is to
 ' attend as aforesaid, from the first Day of
 ' April, until the 15th Day of May following.

45 ' At *New Piscataway* in like Manner,
 ' from the 15th Day of May, until the 15th
 ' Day of June following.

' At *Navesinks* from the 15th Day of June,
 ' until the 15th Day of August following,
 50 ' viz. for the two Towns there. And all
 ' the forementioned Places, intended Town-
 ' ships or Corporations, are hereby required,
 ' according to the several appointed Times,
 ' to have in readiness such Attendance as is
 55 ' requisite for the said Surveyor's Use daily,
 ' to be maintained by the respective Places
 ' in that Employment, until the Work be
 ' finish'd

60 ' But if it doth hereafter appear, that the
 ' Remissness of the Inhabitants have occa-

' sioned the Failure in the Surveys, or that
 ' immediately thereupon the several Lands
 ' be not patented; then the Governor and
 ' Council do, by these Orders, conceive
 ' themselves wholly acquitted from the ma- 5
 ' licious Censure of Rigour, for prosecuting
 ' the Lord Proprietor's Commands, in dis-
 ' possessing those that shall be therein neglec-
 ' tive, the same having been for several Years
 ' past perswaded, and the Work now, as 10
 ' much as may be facilitated. Dated at *Eli-*
 ' *zabeth Town*, the 11th December, 1674.

As by the Record thereof, in Lib. 3, pag.
 106 and 107, may appear.

And your Orators do further shew unto 15
 Your Excellency, That soon after the said
 Proclamation, the People settled at *Elizabeth*
Town, did present a Petition to the Governor
 and Council, in the Words following, *to wit.*
 To the Honourable Capt. Philip Carteret, Esq; 20

Governor of this Province, and his Council.

' WE, the Inhabitants of *Elizabeth Town*,
 ' are willing to pay the Lord Pro-
 ' prietor the Sum of *Twenty Pounds per An-*
 ' *num*, current Pay of this Country, in Con- 25
 ' sideration of a Township of eight Miles
 ' square, to be divided according to our
 ' Agreement, of first, second and third Lots,
 ' to be confirmed by Charter to us and our
 ' Heirs for ever, with all such Privileges as 30
 ' any other Towns in the Province have or
 ' shall have; which we do apprehend may be
 ' sufficient, in Regard of the badness of the
 ' Soil, which has deceived us all, and the
 ' half or more being but waste Land. This 35
 ' was voted by all present, on the 11th of
 ' March, 1674-5. Voted, *Isaac Whitehead*
 ' and *George Ross* to present this Writing to
 ' the Governor and his Council.

Isaac Whitehead, Clerk. 40

As by the said original Petition, in the
 Hand-writing of *Isaac Whitehead*, their then
 Clerk (which has sundry Times, in sundry
 Trials, between the Proprietors and some of
 the People of *Elizabeth Town*, in the Su- 45
 preme Court of this Province, been given
 and admitted in Evidence, it appearing to
 be in the same Hand-writing as the Petition
 for Licence to purchase, and Answer thereto,
 herein before *verbatim* set forth, and of 50
 which no other Proof has been hitherto offer-
 red, than that that Copy offered and given
 in Evidence, was the Hand-writing of said
Isaac Whitehead, Clerk of *Elizabeth Town*)
 here ready to be produced, may appear. 55

And your Orators do further shew, That
 the said Governor and Council, by their
 Answer, indorsed upon the Back of the said
 original Petition, did answer thereto in these
 Words;

Eliza- 60

Elizabeth Town. } The Petition of *Elizabeth Town*,
11th March 1674-5.

By the Governor and Council, the 15th
March, 1674, in Answer to this Petition,
That there cannot be granted any Variation
or Alteration from the Proclamation dated
11th December, 1674, but accordingly the
Surveyor is required to attend at the Time
appointed, and its expected that suitable
Persons be provided for his Assistance, ac-
cording to the said Proclamation.

By Order of the Governor and Council,

JAMES BOLLEN, Secretary.

As by the same Indorsement, in the Hand-
writing of *James Bollen*, then Secretary, and
in whose Hand-writing are most of the Books
of Records, N^o 1, N^o 2 and N^o 3; and
which has always been given and admitted
in Evidence, with the said Petition, here ready
to be produced, may appear.

And your Orators do further shew unto
Your Excellency, That tho' it appears by
the Records, that soon after the Answer to
the said Petition, many of the Inhabitants of
Elizabeth Town applied for, and had Warrants
for surveying the Lands due to them by the
Concessions, and had Surveys and Patents for
the same; yet for want of all the Names of
those who were called Associates of *Eliza-
beth Town*, your Orators were never, till
lately that they discovered these Names, ena-
bled to put that Matter in its true Light;
which Names were got all, except two, by
the Depositions of *Richard Clark* and *Jeremiab Osburn*,
herein after set forth, to wit,
the Names of Seventy-five of them, besides
John Ogden, *Luke Watson* and *John Baker*;
and as to the remaining two, who complete
the Number Eighty, (beyond which Number
it has not been pretended that they ever ex-
tended) their Names were first discovered to
be *Abraham Shotwell* and *Denis White*, by
Jeremiab Osburn, on his giving Evidence in
the Cause of *Cooper versus Grain*, tried at the
Bar of the Supreme Court, in March Term,
1742-3; and from the List of the Names of
the 80 Associates so discovered, compared with
the Books of Records, it appears, and your
Orators expressly charge, That every one of
them, or his Heirs or Assigns (*Benjamin Ho-
man* only excepted) soon after the Answer to
the said Petition, did apply for, and had War-
rants for laying out their Lands in *Elizabeth
Town*, which they were intitled to by the
Concessions; that they (very few excepted)
had Surveys and Patents for those Lands,
pursuant to the Concessions; as by the Sche-
dule hereunto annexed, mark'd N^o VIII.
will appear: At the Beginning of which
there is an Alphabetical Index of the Names

of the Eighty, with the Number in *Osburn's*
Deposition; and in which Schedule, the first
Column points out the Order that the Person
stands in *Richard Clark's* Deposition; the
second Column points out the Order that the
Person stands in *Jeremiab Osburn's* Deposi-
tion; the third Column denotes the Name
of the Associate at the Beginning, and under
it, the Instrument, as Warrant, Survey, Patent
or Deed, to him or his Assigns; the fourth
Column points out the Name of the Person
to whom such Instrument is granted; the
fifth Column points out the Date of the In-
strument; the sixth Column points out the
Book and Leaf of the Records in which the
Instrument stands recorded; and the seventh
and last Column points out the Quantity of
Acres, with other brief Purport of the In-
strument. And as to *Benjamin Homan*, (a
Signer to the Petition for laying out their
Lands, herein before set forth) he died a
Batchellor (never having been married) either
before or soon after that Time.

And your Orators do say, That by the
Schedule last aforesaid, and Books of Records
therein referred to, there is strong Evidence,
that every one of those called Associates, or
his Assigns, the said *Homan* excepted (who
died about that Time without Issue) in the
Year 1675, or soon after, laid aside the Pre-
tension by Indian Purchase and *Nicholls's*
Grant (which in or about the Year 1670,
had been trumped up to avoid paying their
Quit Rents, and complying with the Con-
cessions, on the Footing whereof they had
all settled; except the four first Families, as
herein before is set forth, and which Pretence
was the Cause of the Disturbances which
raged amongst them till the Year 1674, as
before) by obtaining and accepting Warrants
for the Quantities of Land they were intitled
to have Grants or Patents for, by Virtue of the
Concessions aforesaid, and obtaining Surveys
and Patents for the same Lands, and conti-
nued peaceable and quiet Inhabitants under
the Government of the said *Philip Carteret*,
until his Death, which happened about the
End of the Year 1682; for till that Time he
appears by the Records to be doing Acts of
Government, the last of which is in November
1682, in Lib. 4. pag. 34; and which Go-
vernor *Carteret*, during all the Time of his
Government to the Day of his Death, lived
in *Elizabeth Town*, where all the General
Assemblies, during his Government, sate;
and where the Councils generally sate; and
where the Supreme Court of the Province
always sate; and where the Secretary's Office,
and most other Offices and Officers of the
Government were and resided.

L

And

And your Orators further say, That the said Inhabitants of *Elizabeth Town* continued quiet Inhabitants until the Year 1699, except that in the Year 1684, *John Baker* and some others of the Associates, endeavour'd to impose upon Governor *Lowry*, at his first Arrival in the Country, as herein after shall be set forth; and except that your Orators have heard, that in or about the Year 1695, one *Jeffrey Jones*, the Associate, N^o 39, in Schedule, N^o VIII. refused to take a Patent for the Land for which he had obtained his Warrant there, and to pay the Quit Rents due for the same; whereupon the Proprietors brought an Ejectment against him, in the Name of *Fullerton*, in which a Verdict and Judgment was had against the said *Jeffrey Jones*; upon which he appealed to King *WILLIAM* in Council, and for some Error in the Proceedings, the same was reversed; but your Orators, tho' they have diligently searched for the Record in the said Cause, have not been able to discover it; nor have they heard what the Errors in the Proceedings were, upon which the same Judgment was reversed.

And your Orators do further shew unto Your Excellency, That during the Continuance of the Bounty of Head Lands, to Persons for coming and settling in this Province, some Thousands of People came to settle in it, besides those 80 Associates of *Elizabeth Town*, of the Warrants, Surveys and Patents, to whom, in most Places in the Eastern Division of *New-Jersey*, pursuant to the Concessions aforesaid, the Books of Record before the Surrender of the Government, are much composed, and the first of them chiefly composed; That a considerable Number of those Persons chose to have their Head Lands laid out in *Elizabeth Town*, and accordingly had them there surveyed and patented to them: That many of the Heirs or Assigns of these Patentees, have lately joined in with the Defendants and Confederates, in hopes to avoid Payment of the Quit Rents, due to your Orators and their fellow Proprietors, upon their said Patents; and those who would not join with them, they have, by sundry artful Means, got them out of Possession, by inducing their Tenants to purchase or lease of them the said Defendants and Confederates.

And your Orator, *John Redford*, doth shew unto Your Excellency, That the Proprietors of the Eastern Division of *New-Jersey*, by Patent under the Seal of that then Province, bearing Date the 14th Day of *January*, 1692, did, amongst other Tracts, grant unto *William Redford*, your Orator's Grandfather, in Right of Head Land, for himself, his Wife and seven Children, all that Tract of Land situate on

Elizabeth Town Brook, beginning on the said Brook at *Benjamin Wade's* Corner; and from thence running South 80 Chains; thence West 23 Chains, to *John Hume's* Corner; thence North 41 Chains, to a small white Oak, mark'd on two Sides, near *John Pearse's* House; thence North East and by North, three Chains and a Half, to a Walnut Tree, mark'd on three Sides; thence North and by West to a Chestnut Tree, mark'd on two Sides, near the Meadow; thence North to the Brook; thence as the said Brook runs to where it began, containing 150 Acres of Land; as by the said Patent, recorded in Lib. E. fol. 31, may appear.

And your Orator, *John Redford*, doth further shew unto Your Excellency, That the said *William Redford*, by Virtue of the said Patent, entred upon and was actually possess'd of the said Tract, built a House thereon, cleared Lands, and made other great Improvements thereon; and being so possess'd and seized of the said Tract, he, by Deed bearing Date the fourth Day of *April*, 1710, did grant and convey the same to his Son, *Andrew Redford*; as by the Deed, recorded in Lib. F 2, pag. 233, may appear. By Virtue of which Conveyance, the said *Andrew Redford*, your Orator's Father, was seized and possess'd of the said 150 Acres of Land, and died seized and possess'd thereof, by which the same descended to your Orator, *John Redford*, his only Son and Heir, while your Orator was very young and an Infant, under the Age of 21 Years; and the said Defendants and Confederates taking Advantage of your Orator's Infancy, and Absence from the said Tract of Land, the said *John Maxfield* and *Joseph Willis*, by Artifices used with the Tenants in Possession under your Orator's said Father, have possessed themselves thereof, by Colour of the Defendants Pretence aforesaid, and refuse to yield the Possession thereof to your Orator, tho' they have been often, in a friendly Manner, thereto requested.

And your Orator, *Arthur Brown*, doth shew unto Your Excellency, That the Proprietors of the Eastern Division of *New-Jersey*, by Patent under the Seal of the said Eastern Division, bearing Date the 28th Day of *April*, 1686, did grant unto *John Hume*, your Orator's Grandfather, his Heirs and Assigns, a Tract of Land then lately surveyed and laid out for him, lying on *Elizabeth Town Brook*, and containing 170 Acres, for 150 Acres, having allowed for Swamps; beginning at a Stake by the said Brook in the Meadow, which is a Corner of *John Pearse's*; and running South 33 Chains to a bushy Swamp;

Swamp; thence East thro' the Swamp 14 Chains 25 Links, to a little round Swamp, which is another Corner of *John Pearse's* Land; thence South 32 Chains 25 Links; 5 thence West 37 Chains, to a Walnut Tree mark'd on four Sides; thence North 58 Chains 25 Links, to the Brook, two Chains West Side a Maple Tree, mark'd on four Sides; thence as the Brook runs to the Place 10 where it began; bounded North by the said Brook, East by *John Pearse*, and Part by *William Redford's* Land, West by Governor *Barclay's* Land, and South by Land not surveyed; as by the said Patent, recorded in 15 Lib. A. fol. 336, may appear; by Virtue whereof, the said *John Hume* became seized of the said 150 Acres of Land, and died seized thereof, leaving Issue three Daughters (but no Son) *Catharine*, *Jane* and *Hannah*, which 20 *Catharine*, with her Husband *John Matthies*, of *Perth-Amboy*, by their Deed, bearing Date the Day of One Thousand Hundred and did, in due Form of Law, convey to your Orator's Father, *John* 25 *Brown*, the third of the Premises which descended to the said *Catharine*; and which *Hannah*, with her Husband *Andrew Redford*, Father and Mother of your Orator *John Redford*, by their Deed, bearing Date the 30 Day of One Thousand Hundred and did, in due Form of Law, convey to your Orator's Father, *John Brown*, that other third of the Premises which had descended to the said *Hannah*; and which *Jane* was your 35 Orator's Mother, married to your Orator's said Father, *John Brown*; whereby the Father and Mother of your Orator, *Arthur Brown* aforesaid, became seized of the said 150 Acres so granted as aforesaid, to your 40 Orator's Grandfather, *John Hume*; and being so seized, they died seized thereof, and upon their decease, the same descended to your Orator, *Arthur Brown*, their eldest Son and Heir; and by sundry Artifices the said 45 *John Maxfield* and *Joseph Willis* have possessed themselves thereof, by Colour of the Defendants Pretence aforesaid, and refuse to yield the Possession thereof to your Orator, tho' they have been often, in a friendly Manner, 50 thereunto requested, but pretend they have bought the Lands aforesaid of the *Elizabeth Town* Committee, and that the same Committee will defend them in the Possession thereof, and they defy your Orator to recover 55 the said Lands.

And your Orators do further shew unto Your Excellency, That on the eighth Day of *April*, 1698, under a Pretence of a Commission to *Jeremiah Bass*, to be Governor, 60 nor, from some of the Proprietors of *East*

New-Jersey, and that he had the King's Approbation thereof; he the said *Jeremiah Bass* did supersede Col. *Andrew Hamilton*, the then former Governor; as by a Proclamation, notifying his the said *Jeremiah Bass's* Commission, 5 and continuing all Officers till further Order, recorded in Lib. C. pag. 270, may appear.

And your Orators do further shew unto Your Excellency, That some time afterwards, in the Year 1699, it was discovered 10 and made publick, that the said *Jeremiah Bass* had not obtained the King's Approbation of his Commission, as he had alledged, nor had he a sufficient Number of Proprietors granting his Commission, which induced great 15 Numbers of the Inhabitants to refuse Obedience to him, and to the Magistrates and Officers by him appointed; and upon imprisoning of some Persons for refusing Obedience, the Inhabitants of the Province rose 20 in Arms, broke open the Goals, and delivered the Persons so committed; and a meer Anarchy and Confusion for some Time ensued, without any Governor or Magistrate whom the People would obey. 25

And your Orators do further shew unto Your Excellency, That the said Col. *Andrew Hamilton*, by another Commission, bearing Date the 14th Day of *August*, 1699, was, by 30 sundry of the Proprietors, appointed Governor again; as by the Commission in Lib. C. 311, may appear.

And your Orators do further shew unto Your Excellency, That great Numbers of the People refused Obedience to Col. *Ha-* 35 *milton*, and the Magistrates and Officers by him appointed, in like Manner and for like Reasons as they had done to Governor *Bass*, and assembled themselves in a warlike Manner, assaulted the Justices by him appointed, 40 while they were sitting in Courts, and assaulted and wounded the Sheriffs by him appointed; as by a Proclamation by the said Governor *Hamilton*, dated the 15th Day of *August*, 1700, recorded in Lib. C. 328, may 45 appear; which latter Part of Governor *Bass's* Government, with this first Part of Governor *Hamilton's*, and the Confusions and Disorders in the said Eastern Division during that Time, made such an Impression on the Minds of the 50 People then living, that they called it, and it became an *Æra* to them, well known by the Name of *The Revolution*; and that Time ever since has been, and as yet is commonly called and known in the Eastern Division of *New-* 55 *Jersey*, by the Time of the Revolution; and in all common Parlance there amongst aged People, that is the Time meant by them, when they name the Revolution, and not the glorious Revolution, by the Accession 60 of

of King WILLIAM and Queen MARY to the Throne of *Britain*.

And your Orators do further shew unto Your Excellency, That the Proprietors seeing no Remedy for those Confusions, but a Surrender of the Government to the Crown; they, on the 17th Day of *April*, 1702, did accordingly surrender the Government to Queen ANNE, reserving all Rights whatsoever, that had before been granted to them, saving only the Government; as by a Memorandum of the said Surrender, entred in the Minutes of the Council of Proprietors, in pag. 161, may appear.

And your Orators do further shew unto Your Excellency, That some of the People of *Elizabeth Town*, taking Advantage of the said Confusions, Part of the said Associates who had Lands allotted to them, by the Consent of Governor *Carteret* as aforesaid, and the Heirs and Assigns of some others of them, did, during the Time of that Revolution in *East New Jersey*, associate themselves together, and without any other than their own Authority, resolved to make another Allotment of Lands amongst themselves, and for that Purpose chose *John Herriman*, one of themselves, to be their Surveyor, who privately laid out, by their Order, a great Number of Lots of Land, Part of which had been granted by the Proprietors to other Persons, and Part remained in common amongst the Proprietors (most of which were East of *Raway River*, some few on the West Side thereof, but none without the Line for the *Elizabeth Town* Purchase, mark'd in the Year 1684, as herein after shall be set forth) which Lots of Land they divided amongst themselves, in such Manner as they thought proper; and procured the said *John Herriman*, to certify to each of them, the Butts and Bounds of the Land allotted to them; and also procured the said *John Herriman*, to enter Copies of all such his Certificates in a Book made by him for that Purpose, which they were pleased to term a Record of them; which Division was carried on in so private a Manner, that the Proprietors did not hear of it till some Years after it was made; which Division was commonly called the *Clinker Lot Division*, and the Persons amongst whom it was made, by the Name of the *Clinker Lot Right Men*, for what Reason your Orators know not; but as they were called so by the rest of the People of *Elizabeth Town*, your Orators shall here use that Appellation, to distinguish them from a far greater Number of *Elizabeth Town* People, who joined not in, nor approved of that Confederacy and Combination.

And your Orators do further shew unto Your Excellency, That in the Supreme Court of *New-Jersey*, in the Term of *November*, in the first Year of the Reign of King GEORGE the First, an Action of Ejectment was brought on the Demise of *Edward Vaughan*, as Assignee of *James Emott*, for Recovery of the Possession of that 300 Acres of Land, which had been granted by the Proprietors to *James Emott*, by Patent, dated the sixth Day of *April*, 1686, and recorded Lib. A. pag. 334, and is N^o 25 of Schedule, N^o III. which Tract is represented in the Plan, N^o III. hereunto annexed; and of which Tract one *Joseph Woodruff* had possessed himself, under Colour of the Clinker Lot Right aforesaid; which Cause came to Trial in the Term of *May*, in the second Year of the Reign of King GEORGE the First, and therein a special Verdict was found, setting forth the Title of the Proprietors of *East New-Jersey*, on the Part of the Plaintiff; and the said Indian Purchase of *Baily* and others, and *Nicholls's* Grant, on the Part of the Defendant; which special Verdict was for sundry Terms argued by Council learned in the Law on both Sides, and afterwards, upon mature Deliberation thereon had, the said Supreme Court gave Judgment for the Plaintiff, to wit, in the Term of *May*, in the fourth Year of the Reign of King GEORGE the First; which Judgment still remains in Force unreversed, tho' a Writ of Error was brought thereon before the Governor and Council; as by the Record of the said Judgment, in the said Supreme Court remaining, may appear.

And your Orators do further shew unto Your Excellency, That those *Clinker Lot Right Men* perceiving, from the Arguments in the said Cause, the Weakness of their Pretensions, by the said Indian Purchase and *Nicholls's* Grant, so far as the said Clinker Lots fell upon Lands in common amongst the Proprietors, and not by them before granted or divided, they thought proper to purchase the Proprietors Rights, Parts of their first and second Dividends aforesaid, and have them appropriated to them upon those Rights, according to the Agreements aforesaid amongst the Proprietors, for the Partition of their Lands in common; and accordingly in five Years, from 1717, to 1721 inclusive, there appears sixty Surveys, returned and recorded in the Office of the Surveyor-General of the Proprietors, to People of *Elizabeth Town*, in *Elizabeth Town*, on the East Side of *Raway River*, several of which are to *John Herriman*, the Surveyor of the Clinker Lots aforesaid, who accepted a Deputation from the Surveyor General,

General, and as his Deputy performed many of the said Surveys for his Neighbours of *Elizabeth Town*; as by the Schedule, N^o IX. hereunto annexed, in which is set forth the Person's Name, to whom each Survey was made; the Date thereof; the Book and Page where recorded; the Proprietary Right on which the Survey was made, and the Deputy who performed the actual Survey; and as by the Books and Pages of the Records therein referred to, may appear: And which Tracts of Land so surveyed in *Elizabeth Town*, on the East Side of *Raway River*, within the said five Years, and sundry other Tracts before and after surveyed there on Rights of Propriety, together with the Lands before mentioned to be granted by the Patents aforesaid, in Schedule, N^o VIII. and sundry other Patents for Head Lands, to Persons within the Bounds of *Elizabeth Town*, in Schedule N^o XII. (whereof most of the Possessors have of late joined with the Clinker Lot Right Men aforesaid, in hopes to avoid the Payment of their Quit Rents) do amount to about 20,000 Acres of Land, and to which the People of *Elizabeth Town* are well intitled both in Law and Equity, and to no Part of which do your Orators lay any claim, farther than the Quit Rents, by the Patents aforesaid reserved.

And your Orators do further shew unto Your Excellency, That in the Supreme Court of *New-Jersey*, in the Term of May, in the fourth Year of the Reign of King GEORGE the Second, sundry Actions of Ejectment were brought, at the Suit of *Patrick Lithgow*, on the Demise of *Peter Schuyler*, as Assignee of *Philip Carteret*, for Recovery of the Possession of Part of a Tract of Land, which had been laid out and surveyed to the said Sir *George Carteret*; and the said *Philip Carteret*, by the Survey, N^o 2, of Schedule, N^o III. dated the 11th Day of April, 1682, and recorded in Lib. 4, pag. 4; and granted by Patent, dated the 24th Day of April, 1682, and recorded in Lib. 4, pag. 13; which Tract is represented in the Plan, N^o III. hereunto annexed, and of which Tract *John Robison*, *Henry Clarke*, *Andrew Craig*, *Joshua Marsh* and others, had possessed themselves, under Colour of the said Clinker Lot Right; and the Causes against the said *John Robison*, *Henry Clarke*, *Andrew Craig* and *Joshua Marsh*, came to Trial in the Term of May, in the seventh Year of the Reign of King GEORGE the Second, by one Jury of the County of *Middlesex*, and therein a general Verdict was found for the Defendants; and tho' eleven of that Jury founded their Verdict entirely on the Defect of the Lessor of

the Plaintiffs Title, without taking any Notice whatsoever of the Defendants pretended Title (as on sundry Trials since has been proved by some of those Jurors) yet this Verdict so encouraged those Clinker Lot Right Men, that they not only gave out in Speeches, that those intitled by that Allotment, had the best Right to those Lands so allotted to them, but that also they had a Right to all the rest of the Lands within the Bounds of the said Indian Purchase and *Nicholls's* Grant, and were not content with what the most sanguine of their Forefathers esteemed the Bounds of those, but extended their Pretensions by them, Westward and Northward, to such a Length and Breadth as was by their Forefathers never thought of, as hereafter shall be shewn; and in order to preserve to them those Clinker Lots, and to make good those their new Pretensions, and to avoid paying the great Arrears of Quit Rents due on their Patents, a great Number of those Clinker Lot Right Men entered into Bonds, mutually to defend one another against the Proprietors; they chose a Committee, of a Number amongst them, to manage, promote, and make these their Pretensions effectual; that Committee procured Surveyors privately to survey and run the Lines of those their new Pretensions; that Committee then applied themselves to the gaining over to them the Tenants settled upon your Orators and other the Proprietors Land, and by artful Speeches prevailed on some of them, to purchase of them the Lands on which such Tenants were settled; and to encourage them to purchase, they sold Lands at first at the Rate of Five Pounds per Hundred Acres, which were worth One, Two or Three Hundred Pounds per Hundred Acres; but the Purchasers were to accept of bare Grants of their Rights, and instead of their binding themselves to warrant and defend the Purchaser, they prevailed on the Purchasers to give the Sellers a Bond of Ten Pounds, for every Hundred Acres sold, to stand by the Sellers against the Proprietors; and so far as that Ten Pounds, to contribute to all Charges at Law with the Proprietors; as more fully will appear, by a Copy from a printed Copy of one of them, which is N^o 13 of Schedule N^o X. hereunto annexed; and, amongst other Speeches, insinuated to the Purchasers, 'That tho' they should lose the Lands at last, yet they could keep the Proprietors so long at Law before they could be dispossessed, that the Timber they could in the mean Time cut, and Profits of the Lands in the mean Time, would far exceed what they paid; and by thus using the Timber, and by keeping thus the Profits

' of the Lands from the Proprietors, they
 ' would be able to defend against them, and
 ' fight the Proprietors with their own Estates.'
 And when the said Committee, had by such,
 5 and many other artful Speeches, prevailed on
 a considerable Number of the Tenants of
 your Orators, and others the Proprietors
 Lands, to purchase of them as aforesaid, they
 began to rise their Prices, and prevailed on
 10 some to give *Ten*, afterwards *Fifteen*, and
 others afterwards *Twenty Pounds* and upwards
per Hundred Acres, for such Grant as aforesaid;
 and such a Bond as aforesaid, of *Ten*
 15 *Pounds per Hundred Acres* besides, to stand
 by them against the Proprietors, as aforesaid:
 And when the said Committee had thus got
 over to them, a great Number of the Tenants
 of your Orators and other the Proprietors,
 they began to use threatening Speeches to
 20 those who refused to comply with them,
 that they would make Allotments of all the
 Lands they had not so sold, and divide them
 amongst themselves, and sell them to other
 People; and accordingly they privately, and
 25 often by Moon Light, run Lines thro' the
 Proprietors Lands, in order for making them
 into Allotments, and gave the Tenants, who
 still withstood them, Notice, that upon such
 Day, their Farms were to be allotted and sold,
 30 and if they did not comply before that Time,
 the Opportunity of purchasing, at that cheap
 and easy Rate, would be lost; by which
 Artifice, they gained a considerable Number
 more over to them, to purchase and give Bond
 35 as aforesaid, and others they prevailed upon
 to take Leases of them, the said Committee,
 for the Lands they were possessed of; and the
 Remainder of your Orators and other the
 Proprietors Lands, which were uncultivated,
 40 within these their Pretensions, or a great Part
 thereof, they, the said Committee, divided
 by Lot amongst themselves, and those associated
 with them, in such Manner as they
 thought proper.

45 And your Orators do further shew unto
 Your Excellency, That sundry of the Tenants,
 which your Orators, *John Penn*,
Thomas Penn and *Richard Penn*, had settled
 on, their Lands lying within the pretended
 50 Claim of those Clinker Lot Right Men of
Elizabeth Town, having, by the Artifices of
 the said Committee, been prevailed on to buy
 or lease of them as aforesaid, your Orators,
Penns, in the Term of *August*, in the ninth
 55 Year of the Reign of King *GEORGE* the Second,
 brought sundry Actions of Ejectment
 against them on their Demise, in the Name
 of *James Penn*, to one of which one *John*
Chambers entred himself Defendant, and to
 60 another of which one *Alcorn* entred himself

Defendant; which Action against the said
Chambers, after a View by the Jury, came
 to Trial at the Bar of the Supreme Court of
New-Jersey, at *Perth-Amboy*, on the 14th
 Day of *August*, 1741, by a struck Jury of the 5
 County of *Middlesex*, nine of which Jurymen
 were Freeholders of *Woodbridge* and *Piscataway*,
 and consequently whatever Right the
 said Clinker Lot Right Men had to claim by
 the Indian Purchase aforesaid, the like Right 10
 have the Freeholders of those two Townships
 to claim by the same; which Trial having
 lasted near 46 Hours, and in which most of
 the Facts herein set forth were given in Evidence,
 the Jury went out, and, after a short 15
 Stay, brought in a general Verdict for the
 Plaintiff (as by the Records of the said Supreme
 Court may appear) tho' nine of them,
 as before, were concerned in Interest, to have
 given a Verdict for the Defendant; upon 20
 which the said *John Chambers* and the other
 Tenants upon your Orators, *Penns*, Lands,
 submitted to your Orators, *Penns*; which
 Tract of Land is a Tract containing 7500
 Acres, and is represented on the Map, N^o 25
 III. annexed, and is N^o 82 of Schedule
 N^o III.

And your Orator *John Vail*, sheweth, That
 the said Clinker Lot Right Men of *Elizabeth*
Town, in the Term of *August*, in the eleventh 30
 Year of the Reign of King *GEORGE* the Second,
 commenced an Action of Ejectment in
 the Name of *James Jackson*, on the Demise
 of *Joseph Halsley*, which being served on your
 Orator, he entred himself Defendant thereto, 35
 and which came to Trial at the Bar of the
 Supreme Court of *New-Jersey*, at *Perth-Amboy*,
 on Wednesday the 17th Day of
March, 1741-2, by a struck Jury of the
 County of *Middlesex*; on which Trial, in 40
 Behalf of your Orator, were given in Evidence
 most of the Facts in this Bill, together
 with your Orator's Title, which is as follows,
 to wit, ' That *Arent Sonmans* was one of
 ' the Twenty-four Proprietors, as herein be- 45
 ' fore set forth; that *Peter Sonmans* was his
 ' eldest Son and Heir; that on the 11th of
 ' *June*, 1685, the said *Peter Sonmans*, as
 ' Heir to his said Father, petitioned the
 ' Council of Proprietors of *East Jersey*, for a 50
 ' Warrant to lay out to him 5000 Acres of
 ' Land at the *Blue Hills*, which was agreed
 ' to be granted; as by the Minutes of the
 ' Council of Proprietors of that Day appeared;
 ' that on the 26th Day of *September* 1685, a 55
 ' Warrant was issued accordingly to the Surveyor-
 ' General; as by the Record thereof,
 ' in Lib. B. pag. 40, appears; that on the
 ' 14th of *October*, 1685, the said *Peter Son-*
 ' mans obtained a Return of Survey, by Virtue 60
 ' of

of the said Warrant, for 2500 Acres, at the
 Blue Hills, of which the Lands in Question
 were Part; as by the Record thereof, in
 Lib. L. 61, appears; and that on the 17th
 5 Day of February, 1685, a Patent was gran-
 ted for the said 2500 Acres of Land to the
 said Peter Sonmans, his Heirs and Assigns;
 as by the same, recorded in Lib. A. fol.
 287, might appear; and that the said Peter
 10 Sonmans, with Sarah his Wife, by Deed,
 dated the third Day of April, 1732, con-
 veyed to your Orator, John Vail, 619 Acres,
 Part of the said 2500 Acres, within certain
 Butts and Bounds, in the Deed to him there-
 15 of set forth; as by the Deed, recorded in
 Lib. K. fol. 266, appears: Which Tract
 of 2500 Acres is represented on the Map,
 N^o III. and is N^o 10 of Schedule N^o III.
 And for your Orator, John Vail, was also
 20 proved upwards of thirty Years actual
 Possession of the said 2500 Acres in the said
 Peter Sonmans, and upwards of fifty Years
 actual Possession in Alexander Fullerton,
 Forbes and Cole, four Patents from the Pro-
 25 prietors, being N^o 11, 34, 35 and 38, ad-
 joining, and lying between it and Elizabeth
 Town. And on the Part of the Plaintiff was
 given in Evidence, that John Baker was one
 of the Grantees of Nicholls's Grant, and that
 30 he was deemed and esteemed a second Lot
 Right Man; and that his Heir, Derick, con-
 veyed to Joseph Halfey, Father of the Lessor
 of the Plaintiff, all the Divisions accruing to
 a second Lot Right in Elizabeth Town; and
 35 that the same descended to the Lessor of the
 Plaintiff as Heir, and thereby claimed as a
 Tenant in common under the said Nicholls's
 Grant: And tho' in Behalf of your Orator
 it was shewed, by the Matters under N^o 76,
 40 in Schedule N^o VIII. That John Baker, as
 well as the other Associates had laid aside all
 Pretensions by Nicholls's Grant, by applying
 for, and obtaining a Warrant for laying out
 to him 1200 Acres in Elizabeth Town, due
 45 to him by the Concessions aforesaid, and by
 the survey of 440 Acres in Part thereof, and
 by his purchasing of Jonas Wood, another of
 the Associates, his Land patented in Elizabeth
 Town; and tho' no Patent appeared to be
 50 granted for the said 1200 Acres, yet that must
 have been his own Fault, to neglect the many
 Invitations to do it, and it could no way give
 him a Right in common in that Tract; and
 tho' no actual Possession was proved in the
 55 said Halfey's or Baker's, of any Part of the
 said 2500 Acres, nor no actual Possession of
 any Elizabeth Town Man within some Miles
 of it, nor so much as a Claim by any of Eliza-
 beth Town, till lately, since the Verdict afore-
 60 said in Schuyler's Cause; yet after a Trial

which lasted about 40 Hours, the Jury gave
 a general Verdict for the Plaintiff, contrary
 to the Expectation of all, or most of the nu-
 merous Auditory at the said Trial; nor could
 your Orators ever learn any other Reasons
 5 for the said Verdict, than that upon striking
 of the Jury, the Plaintiffs Agent struck out
 the most sensible Men of the 48, so that the
 Remainder who tried the Cause, were almost
 all very illiterate, and in low Circumstances;
 10 and that they have said, that they understood
 that the People of Elizabeth Town had been
 possessed of the Town Plat and Lands about
 it, ever since the Indian Grant to Bailey and
 Nicholls's Grant, by Virtue thereof; and as it
 15 was in the Bounds of the Indian Purchase and
 Nicholls's Grant, if they had a Right to any
 Part, they had a Right to the Whole of it, and it
 would be hard to suppose they had not a Right
 to the Town Plat and Lands about it, which
 20 they had so long possessed by Virtue of that
 Right; in which Opinion of their Possession
 they were much mistaken, as hereby appear-
 eth with this, that John Wetherill, who was
 one of that Jury, and a Man of the most
 25 Sense, most Sway and Estate of any of them,
 was possessed of 400 Acres of Land, to which
 he had no Right but by Virtue of an Indian
 Purchase, which your Orators came not to
 the Knowledge of, till some Time after the
 said Verdict; which John Wetherill, Part
 30 by artful Speeches, and Part by threatening to
 starve them out who would not join with him,
 brought all the other eleven to join with him
 in that Verdict; upon the giving of which
 35 Verdict, your Orator, John Vail, obtained a
 Writ of Error of the Judgment to be given
 in the said Cause, before the Governor and
 Council of New-Jersey; which Writ of
 Error there depends undetermined. 40

And your Orators do further shew unto
 Your Excellency, That in or about the Year
 1737, the Committee of the Clinker Lot
 Right Men, run the Lines of their vast Pre-
 tensions, and made many Surveys within the
 45 same, for dividing it amongst them, but did
 it in so private a Manner, and mostly by Moon
 Light, in the Night Time, that notwithstan-
 your Orators most diligent Enquiry, they
 could not find proper Witnesses to prove a
 50 Trespass against them, but in one Place, by
 Reason that the Witnesses in all other Places,
 were some Way or other interested, and not
 indifferent Witnesses; which one Place was
 the Land of your Orator Daniel Cooper,
 55 which the said Committee Men crossed, in the
 Month of February, 1737-8, in dividing it
 into Lots, and of which, by Accident, there
 happened several disinterested Witnesses;
 whereupon your Orators, by Consent, and in
 60 the

the Name of the said *Daniel Cooper*, brought several Actions of Trespas against *Joseph Moss*, *John Crane*, *John Denman*, *John Scudder*, *John Terril*, *Samuel Norris*, sen. 5 and *Samuel Norris*, jun. the then Committee or Managers for the said Clinker Lot Right Men: To which Actions of Trespas, the said Defendants, in *May Term* 1738, severally appeared, but would not justify by 10 pleading *Liberum Tenementum*, but pleaded *Not Guilty*, in order to put your Orators upon the Proof of the Trespas; and the Cause against the said *Joseph Moss*, being in the Term of *March* 1741-2 aforesaid, ready for 15 Trial, and the Jury being called, appeared, when the said Committee Men, on various Pretences, endeavoured to put off the Trial; which several Pretences, upon Argument, were over-ruled; they then proposed that 20 the Plaintiff should consent to the putting it off, which was agreed to, on the said Committee's consenting, that *Jeremiah Osburn*, *John Worth*, *Ebenezer Lindsley* and *Jonatban Tichenor*, old Witnesses then attending, should 25 be examined in Presence of the Parties, or their Attornies, before one of the Judges of the Supreme Court, and that their Depositions so taken, should be Evidence in all the said Causes, when your Orators also consented 30 that *Richard Clarke* should be examined in like Manner, on the Part of the Defendants; which Depositions were in a few Days thereafter taken, and true Copies thereof are in Schedule, N^o X. hereunto annexed; to 35 which your Orators refer, and say, that it was by Means of *Richard Clark's* and *Jeremiah Osburn's* Depositions there, that they discovered the Names of the Associates of *Elizabeth Town*, by Help of which the Schedule, 40 N^o VIII. herein before mentioned and annexed, was made.

And your Orators do further shew unto Your Excellency, That in the Term of *August*, 1742, the said Cause of *Cooper versus* 45 *Moss* came to Trial, at the Bar of the Supreme Court of *New-Jersey*, at *Perth-Amboy*, by a Jury of *Morris County*; which Trial having lasted about forty Hours, and in which most of the Facts herein set forth were given in 50 Evidence; and in which Cause the Jury gave a Verdict for the Plaintiff, *Daniel Cooper*, against the Defendant, *Joseph Moss*; as by the Records of the said Supreme Court may appear; and which Tract of Land, upon 55 which those Trespas were committed, was a Tract of 2000 Acres of Land, granted to *Robert Barclay*, one of the Twenty-four Proprietors aforesaid, by Patent, dated the 22d Day of *January*, 1687, recorded in Lib. 60 B. fol. 277; Part of which the said *Daniel*

Cooper was intitled to, by sundry mean Conveyances under the said *Robert Barclay*, then, and several Times afterwards, given in Evidence at the Bar of the said Supreme Court, a List whereof is in a Schedule, at the End of 5 Schedule N^o II. hereunto annexed; and to which, and to the Books of Records therein referred to, your Orators for Brevity do refer: And the same 2000 Acres are represented on the Map, N^o III. annexed, and is N^o 28 of 10 Schedule N^o III. hereunto annexed.

And your Orators do further shew unto Your Excellency, That *James Logan*, Esq; being seized of a Tract of Land in the Western Division of *New-Jersey*, containing about 15 9000 Acres of Land, represented on the Map, N^o III. annexed, and is N^o 80 of Schedule N^o III. upon which he had settled a considerable Number of Tenants, rendering to him a yearly Rent, the said Committee, by 20 the Artifices aforesaid, prevailed on sundry of the said Tenants, some to buy of them, and others to lease of them; whereupon the said *James Logan* brought sundry Actions of Trespas, and Actions of Trespas and Ejectment 25 against those his Tenants, which depended for many Terms in the Supreme Court of *New-Jersey*, when the said Committee refused longer to support those People that they had so deluded; whereupon the said Tenants 30 submitted to the Terms which the said *James Logan* was pleased to prescribe.

And your Orators do further shew unto Your Excellency, That the said Committee Men, by such Artifices as aforesaid, prevailed 35 on *Barent Kiter*, *John Norris*, *John Jones*, *Adam Riemer*, *Benjamin Crowell*, *Jeremiah Clarke*, *John Covert*, *Abraham Covert* and *Christian Volk*, some of the Tenants, or Assignees of Tenants, to whom your Orators, 40 *James Alexander* and *Daniel Donaldson Dunstar*, had leased Part of a Tract of Land of 7600 Acres to them belonging, and is N^o 70 of Schedule N^o III. some to buy and others to lease of the said Committee; which Tenants thereon refused to render any Rent to 45 your said Orators *Alexander* and *Dunstar*, and thereon your Orators caused four Actions of Ejectment to be brought in the said Supreme Court, in the Term of *November* 1741, to 50 two of which the said *John Norris* entred himself Defendant, in the Term of *March* following; *Benjamin Crowell* entred himself Defendant to another of the said Actions, and *Jeremiah Clarke* entred himself Defendant to 55 the other of them; which Actions were in the Name of *James Lyne*, on the Demise of the said *Alexander* and *Dunstar*, and to the same Term of *November*, six Actions of Trespas were brought by the said *Alexander* and 60 *Dunstar*

Dunstar, against the said *Abraham Covert*, *John Covert*, *Adam Riemer*, *Christian Volk*, *Barent Kiter* and *Jeremiah Clarke*; in which Action of Trespass against the said *Barent*,
 5 Judgment was had for want of a Plea in *May* Term following; in the other Actions of Trespass no special Bail was put in, and therefore the Bail Bonds were assigned and prosecuted; and as to the said four Actions of
 10 Ejectment, Notice of Trial was given at the Circuit for the County of *Somerset*, in *October*, 1742; and Notice of executing a Writ of Enquiry of Damages was given for the same Time and Place, in the said Action
 15 of Trespass against *Barent Kiter*; but upon the Friday before the Days of Trial and Enquiry, the several Defendants made Application to the said *Dunstar* and *Alexander*, to accept of Judgments in the respective Causes
 20 aforesaid, in order to save as much Charges as possible; for that they found the said Committee would give them no Security to pay the Charges, in Case they were cast; whereupon it was consented to accept of
 25 Judgments, and their Attorney, *Philip Kearney*, Esq; after Warrants to him in Writing for that Purpose, drew up, and by their Order signed their several Confessions of
 30 Judgments in the said Actions, with *Six Pence* Damages and *Six Pence* Costs; as by the Records of the said Supreme Court may appear: And afterwards the several Trespassers aforesaid, submitted and compromised those
 35 Actions and the Actions on the Bail Bonds, and paid the Costs and Damages agreed on.

And your Orators do further shew unto Your Excellency, That in the Term of *March*, 1742-3, the said Cause of *Cooper*
 40 *versus Crain*, came to Trial at the Bar of the Supreme Court of *New-Jersey*, at *Perth-Amboy*, by a Jury of *Morris* County; which Trial having also lasted about forty Hours, and in which most of the Facts herein set
 45 forth were given in Evidence; and in which Cause the Jury gave a Verdict for the Plaintiff *Daniel Cooper*, against the Defendant *John Crain*; as by the Records of the said
 50 Supreme Court may appear: And during that Trial, in Consideration of some Confessions made by your Orators Council to the Defendants, it was consented by Rule of
 55 Court, that *Joseph Harrison* should be examined on your Orators Behalf before one of the Judges, who soon after was examined accordingly, a true Copy of which Deposition is in Schedule N^o X. annexed.

And your Orators do further shew unto Your Excellency, That the said Committee, having by such Artifices as herein before set
 60 forth, prevailed on *Benjamin Manning* and

Wright Skinner, two of the Tenants of the Lands of *Daniel Axtell*, deceased, to purchase or take Leases of them; your Orators caused two Actions of Trespass to be brought against
 5 the said *Manning* and *Skinner*, returnable to *August* Term, 1738, in the Name of *William Golborn* and *Mary* his Wife; which *Mary* was Widow of the said *Daniel Axtell*, and
 10 Devisee for Life of the Lands aforesaid; which *Manning* and *Skinner* neglected to give in special Bail to the said Actions, wherefore their Bail Bonds were assigned and prosecuted until *August* Term, 1739, when upon
 15 Payment of Costs of the Suits on the Bail Bonds, the Proceedings thereon were stayed, and they gave Bail to the original Actions; both which Causes, in the Term of *March*
 20 1742-3 aforesaid, came to Trial, at the Bar of the Supreme Court of *New-Jersey*, at *Perth-Amboy*, by Juries of the County of *Somerset*, at which Trials the Defendants did not appear; wherefore the Court, after
 25 Proclamations for the Defendants to appear, proceeded to take the Inquests by Default; and after briefly shewing the Title of the Plaintiffs to the Jury, they found Verdicts for the Plaintiffs in both Causes; as by the Re-
 30 cords of the said Supreme Court may appear; which Lands of *Daniel Axtell*, are represented on the Map, N^o III. hereunto annexed, by the Lines between the Letters C D, and W
 35 X Y; and are Part of N^o 51, 59, 62 and 63, of the Schedule N^o III. hereunto annexed.

And your Orators do further shew unto Your Excellency, That the said Committee
 35 having, by such Artifices as herein before are set forth, prevailed on *John Clawson* and *Isaiah Younglove*, two of the Tenants of the Lands of Dr. *Lewis Johnston* and *Mary* his
 40 Sister, to purchase or lease of them the said Committee as aforesaid; your Orators caused Actions of Trespass and Ejectment to be brought against the said *Clawson* and *Younglove*, in the Term of
 45 in the said Supreme Court; to which Actions the said *Clawson* and *Younglove* entred themselves Defendants; and in the same Term of *March*, 1742-3 aforesaid, Notice being given to the Defendants Attorney, of a Motion in each of the
 50 said Causes, for Leave to try the same Causes at Bar; they the said Defendants, to save the Charge of those Motions, and of further Proceedings in those Causes, applied themselves to
 55 the said Dr. *Johnston*, beseeching him to accept of the Possession of the said Lands immediately, and of Security for Payment of the past Costs of Suit; which he consented to accept of, and the same was given accordingly.

And your Orators say, They conceive it would swell this Bill to much too great a
 N Length,

Length, to enumerate all the Actions of
Trespafs, and Trespafs and Ejectment, that
those Pretences of those Clinker Lot Right
Men have occasioned, since the said Verdict
5 in *Schuyler's Cause*; and wherein they have
left the poor People (who have been deluded
by them to buy, and give a *Ten Pounds Bond*
per Hundred Acres, as before) to pay their
own Costs, and to compound with the Plain-
10 tiffs as well as they could; the Effect of
which Suits has been, that of all the late vast
Pretensions of those Clinker Lot Right Men,
beyond the Lines which their Forefathers
clandestinely run in 1684, as herein after
15 mentioned; the Buyers, and Lessees under
them, have all been either ousted, or they
have compounded, till within about three
Miles of those Lines of 1684; and within
those three Miles sundry Judgments both in
20 Trespafs and Trespafs & Ejectment, have been
obtained; others have compounded, others
have run away and left the Lands, and others
have entred themselves Defendants to sundry
Actions of Ejectment; of which Actions of
25 Ejectment there's now Eighteen at Issue, all
against Persons living within about three
Miles of the said clandestine Lines of 1684.

And your Orators do further shew unto
Your Excellency, Tho' by the Words and
30 Descriptions of the Bounds of the Lands gran-
ted by the Indians, by the Deeds to *Augustine*
Herman in 1651, and to *Bailey* and others in
1664, the Bounds so described in each seem
very extensive, and much differing; yet by
35 what follows it will appear, that but a very
small Tract, which is contained in both of
those Deeds, was allowed by the Indians to
pass by them, to wit, what lyes on the East
Side of *Minisink Path*; represented in the
40 Maps, N^o II. and III. annexed, by the red
Colour; for as to the Lands to the Westward
of that Path, it will appear, that they were
afterwards claimed as the Property of other
Indians than the Parties to the said two Deeds;
45 and acknowledged to be the Property of those
other Indians, by Persons whose Interest it
was to deny and contest it; and that other
and different Indians, not only claimed, but
did afterwards sell all the Lands to the West-
50 ward of the *Minisink Path* aforesaid, at
different Times; for it hath appeared before,
that *Daniel Pearse*, in Behalf of the Towns
of *Woodbridge* and *Piscattaway*, bought one
Half of the Purchase made by the Indian
55 Deed to *Bailey* and others (not with Inten-
tion to hold the Lands by that against the
Proprietors, but upon an expresse prior Agree-
ment to take Patents pursuant to the Con-
cessions, for the Lands they should settle on,
60 which on their Part was performed) but

when they came to settle on what they had
so purchased, they found to their Grief and
Expence, that instead of that Purchase ex-
tending upwards of forty Miles back in the
Country, as is now pretended by the said 5
Clinker Lot Right Men, that other Indians
averred, that there was not sold to the
Christians so much as three Miles up *Raritan*,
and only up to *Kents Neck*, which lies about
10 two Miles and an Half from *Amboy Point*, at
the Mouth of *Raritan River*; and to the
Path then called the *Minisink Path*, which
crossed the *Raritan* at *Kents Neck*, and crossed
the Country to *Raway River*, and went along
it a considerable Way, coming within seven 15
Miles of *Elizabeth Town Plat*, nearly as the
same is represented on the Map, N^o II. here-
unto annexed, by the red Line there, exten-
ding from *Monmouth County*, or *Navesinks*,
to *Minisink*; and in Consequence threatned 20
to destroy such as should attempt to settle
beyond that Line; whereupon the People
of *Woodbridge* and *Piscattaway*, found them-
selves under a Necessity of making a Purchase
of those other Indians, of the Lands from 25
Kents Neck up to *Sacunk* or *Bound Brook*;
as in Part appears by the Deposition of *John*
Worth, taken as aforesaid, and hereunto an-
nexed in Schedule N^o X. and accordingly
those other Indians, to wit, *Canackamack*, 30
Capatamin and *Thingorawis*, by their Deed,
bearing Date the 14th Day of September,
1677, did sell, in the Behalf of Sir *George*
Carteret, Proprietor, in the Presence of
Emerus, Sachem of *Navesinks*, *Queramack*, 35
Eramky, and other Indians, as Witnesses there-
to, in Consideration of the Goods therein
mentioned, a Tract of Land beginning at
a Place called *Matockshagan* or *Kents Neck*,
upon the *Raritan River*; from thence runs 40
up the said River Westward, to a fresh River,
called by the Indians *Sacunk*; from thence
running along the said River, to a Swamp,
called by them *Manaquefcake*, and by the
English *Dismal*; from thence to a Place 45
called *Matockshoning*; and from thence to
a Place called *Tamaques*, by the English the
Great Swamp; and from thence Southerly to
Matockshagan, where it first began; which
Deed the three first Indians did seal and deli- 50
ver, and to which Deed the three other
Indians made their Marks, as Witnesses; *John*
Bloomfield, an Inhabitant of *Woodbridge*,
Hopewell Hull, an Associate, and an Inhabi-
tant of *Piscattaway*, *Claude Valot* and *James* 55
Bollen, Secretary, are also Witnesses; and the
Bounds of which Deed are explained by the
Deposition of *John Worth* aforesaid, in Sche-
dule N^o X. annexed; and to be bounded
Easterly by *Minisink Path* aforesaid; which 60
Purchase

Purchase was made in the Proprietor Sir George Carteret's Name, pursuant to his Directions aforesaid for that Purpose, in the Year 1672, and 1674, tho' the People of Woodbridge and Piscataway made the Purchase, and paid the Consideration; which Deed is recorded in Lib. 1, 88, and to which your Orators refer; and which Purchase is represented on the Map, N^o III. annexed, and is surrounded with a blue Colour.

And your Orators do further shew unto Your Excellency, That Konackama and Queromak, Indians, by their Deed, bearing Date the fourth Day of May, 1681, for the Consideration of One Hundred Pounds, paid them in the Goods at the Foot of the same Deed acknowledged to be by them received of Capt. Philip Carteret, Governor of New-Jersey, John Palmer of Staten-Island, Gent. Gabriel Minvielle, Thomas Codrington, John White, John Delavalle, Richard Hall and John Royse, of the City of New-York; did sell to them and their Heirs, a Tract of Land on the North Side of the Raritan River, beginning at the Mouth of the Rivulet called Bound Brook, and by the Indians Sacunk; and thence up along the River Raritan to a Brook called Raweighweros; and from thence Northward to a certain stony Hill; thence Easterly to Metapes Wigwam; and thence Southerly along the Bound Brook aforesaid to the Beginning; as might more plainly appear by the Trees mark'd by the Grantors; as by the said Indian Deed, recorded in Lib. 1, pag. 146, may appear; and which Tract of Land nearly is, on the Map N^o III. annexed, represented by what's included in the yellow Colour, adjoining Raritan and Bound Brook there; and the Returns of Surveys, N^o 5, 48, 107, 32, in the Schedule N^o III. are included within the same Indian Purchase.

And your Orators do further shew unto Your Excellency, That Machcote, alias Kenekome, Awbips, Negacape and Pamascone, Indians, in Consideration of One Hundred and Twenty Pounds, to them paid, by James Graham, Cornelius Corssen and Samuel Winder, did sell to them and their Heirs, a Tract on both Sides of Raritan River, and extending up the Raritan River from the Brook called Raweighweros aforesaid; as by the said Indian Deed, bearing Date the 12th Day of May, 1681, and recorded in Lib. 1, fol. 147, may appear; which Tract is nearly represented by that within the green Colour, adjoining Raritan and Raweighweros; and the Returns of Surveys, N^o 70, 3, 6, 7, 50, 118, 98, 102, 123, in the Schedule N^o III. are, in Whole or in Part, included within the same Indian Purchase.

And your Orators do further shew unto Your Excellency, That Pawark and Manansamitt, Indians, by Deed, bearing Date the 19th Day of November, 1681, for the Consideration therein mentioned, did convey to Robert Vanquillen, and his Heirs, a Tract of Land on the North Side of Raritan River, and beginning at the upper Bounds of the last Deed aforesaid; and running up the River Westerly to the upper End of an Island called Mattanike, and including the Island; and running Northerly to the Mountains; as by the said Deed, recorded in Lib. 1, fol. 153, may appear; and which Tract of Land nearly is, on the Map N^o III. annexed, represented by what's included in the red Colour adjoining the green Colour aforesaid, on Raritan River; and the Returns of Surveys, N^o 26, 43, 44, 57, 58, and great Part of 70, in the Schedule N^o III. are, in Whole or in Part, included within the same.

And your Orators do further shew unto Your Excellency, That Pawark, Cowalanuck, Manamasamet and Agnamapamund, Indians, by Deed, bearing Date the said 19th Day of November, 1681, for the Consideration in Goods therein mentioned, paid them by John Robinson, William Pinborn, Richard Jones and Matthew Taylor, did sell to the Lady Proprietrix of East New-Jersey, Widow of the said Sir George Carteret, a Tract of Land on both Sides of Raritan River, adjoining the upper Bounds of the two last Deeds aforesaid; and running up the River to a Place called Tuckaramohackinge, and in Depth four Miles on both Sides of the said Raritan River; as by the said Deed, recorded in Lib. 1, fol. 154, may appear; and which Tract of Land nearly is, on the Map N^o III. annexed, represented by what's included in the blue Colour adjoining the red last aforesaid; and the Returns of Surveys, N^o 60, 48, 43, 44, 57, 58, 68, 51, 53, 64, 61. in the Schedule N^o III. are, in Whole or in Part, included within the same.

And your Orators do say, That the five Tracts of Land upon Raritan River, upwards from Kents Neck aforesaid, were settled soon after the Dates of the said Purchases, under Titles from the Proprietors, the Surveys whereof are referred to in Schedule N^o III. aforesaid; and the Persons to whom those Titles were made, and their Assigns, have ever since quietly enjoyed the same, and still do enjoy the same; nor was there ever the least Doubt made of the Goodness of their Titles, till after the said Trial of Schuyler, when the Clinker Lot Right Men of Elizabeth-Town extended their Claim, as herein before mentioned; and tho' no Man of

Woodbridge

Woodbridge or Piscattaway ever made a Claim, or do now claim any of those Lands; yet as they might by the same Way claim a Right to them, as the Clinker Lot Right Men do, to what they now pretend to; should these Clinker Lot Right Men support their Pretensions, then might the People of Woodbridge and Piscattaway, under Daniel Pearse
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 their Pretensions to these Lands; and as these Clinker Lot Right Men have not as yet had the Assurance to claim those Lands for themselves, they have lately used many and frequent Endeavours, with the People of Woodbridge and Piscattaway, to perswade them to lay claim to them; and some of these Clinker Lot Right Men have offered them large Sums of Money for some undivided Rights, which they insinuated that the People of Woodbridge and Piscattaway had to those Lands; but they were so far from succeeding in those their Attempts, that nine Woodbridge and Piscattaway Men were of that Jury in your Orators, Penns, Cause, who gave the Verdict aforesaid in August 1741, being the first Cause brought to Trial on this Controversy since the Trial of Schuyler's Cause, when those new Pretensions of the said Clinker Lot Right Men were set up.

And your Orators do further shew unto Your Excellency, That the Trustees aforesaid, by Sir George Carteret's Will aforesaid named, being informed of Purchases from the Indians being made in East New-Jersey, in other
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 Names than the Proprietors, contrary to the express Directions of the Concessions of 1672 and 1674, before set forth; as by the second, third and fourth Indian Deeds, before set forth, and sundry others; and that Governor Carteret was not only conniving at, but openly a Party in that Breach of the said Concessions, were justly alarmed thereat; and in order to resent and put a Stop to such Practices, they sent the Letter, whereof Copy is N^o 7, of Schedule N^o X. directed to the Governor and Council of East New-Jersey; as by the same original Letter, here ready to be produced, may appear; and the Certificate on it (in these Words, viz. *Entred into Elizabeth Town Book, by me Isaac Whitehead, Clerk of the same, May 11th, 1682*) is in the Handwriting of the same Isaac Whitehead, often herein before mentioned: And it's certified also to be recorded in the Secretary's Office of New-York, in Lib. F. fol. 28; and the more effectually to put a Stop to such Practices, the said Trustees, at the same Time, sent a Declaration on that Head, directed to the Planters and Inhabitants of East New-Jersey, whereof N^o 8, of Schedule N^o X. annexed,

is a true Copy; as by a Copy of the same Declaration, with a Copy of the Order of the Governor and Council for the Publication thereof, and Certificate of its being published at Elizabeth Town, all in the Handwriting of the said Isaac Whitehead, here
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 ready to be produced, may appear.

And your Orators do further shew unto Your Excellency, That the General Assembly of East New-Jersey, being made sensible
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 of the Danger of such Practices to the Peace of the Province, tending to introduce Disputes concerning Titles of Land, and effectually to put a Stop to such Practices thereafter, by making them criminal; in December, 1683, an Act was passed by the Governor, Council and Assembly, convened the first of March, 1682, and continued till then by several Adjournments, entitled, *An Act to regulate Treaties with the Indians*; by which it was Enacted, 'That no Person or Persons
 ' whatsoever, do thereafter call together or
 ' assemble the Indian Natives, or to enter
 ' into any Treaty, Discourse, or make any
 ' Agreement with them, for any Tract of
 ' Land within this Province, or about any
 ' other Matters or Thing, before such Person
 ' or Persons have a Warrant, License or Authority for the same in Writing, signed by
 ' the Governor or Deputy Governor for the
 ' Time being, and given under the Seal of
 ' this Province; and all Contracts with the
 ' Indians, and Deeds from them, should be
 ' to and in the Name of the Lords Proprietors,
 ' and registred.

And it was thereby further Enacted, 'That
 ' no Person or Persons whatsoever, without
 ' Warrant, Commission and Authority, as
 ' aforesaid, should, upon any other Pretence
 ' whatsoever, convene, call together, or treat
 ' with the Indians.'

As by the said Act, recorded in Lib. C. pag. 52, Chap. 18, more fully may appear.

And your Orators do further shew unto Your Excellency, That soon after the making that Act, to wit, about the 28th Day
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 of February, 1683, Gawen Lowry, one of the Twenty-four Proprietors, and Deputy Governor of East Jersey, appointed by Robert Barclay, Esq; Chief Governor for the General Proprietors, arrived in East New-Jersey, and that Day published his Commission; as by Lib. C. pag. 75, may appear: That soon afterwards, being a Stranger in the Province, he had Discourse with John Baker and others, the then Head People of Elizabeth Town, concerning the Bounds of the Indian Purchases, upon which the People of Elizabeth Town were settled; requesting them to show those Bounds, in order that he might make a
 Purchase

Purchase from the Indians adjoining thereon, for and in behalf of the General Proprietors; but the said *John Baker*, and others of *Elizabeth Town*, instead of complying with that his reasonable Request, did, contrary to the Tenor of the said Act of Assembly, and without any License or Authority according to the Tenor of the said Act, call together and assemble the Native Indians; and clandestinely, without any Person present in Behalf of the General Proprietors, or of the said Deputy Governor, did, on or about the 16th Day of July, 1684, prevail on the Indians so assembled, to go and mark a large Tract of Land, as the Western Bounds of said Purchases of the Indians; in doing of which (as no Person was present in Behalf of the Proprietors, to hear their Treaties or Agreements with the Indians on that Head) they had an Opportunity to purchase *de novo* of the Indians, and to prevail on the Indians to declare and mark those new Purchases, as Part of the antient Purchases aforesaid, and to declare *Elizabeth Town* to include those antient and new Purchases; and as they thereby had that Opportunity, your Orators charge, (from the Case of *Woodbridge* and *Piscattaway* before mentioned, and *Whitehead's* Certificate of the Entry in the *Elizabeth Town* Book after mentioned) that they did use it, in so far as the Indians then included within their then mark'd Trees, a large Tract of Land which lay to the Westward of the *Minisink* Path, to which the real first Purchases, both of *Herman* and *Bailey*, only extended; seeing of the Southern Half of that Purchase, it appears, by *John Worth's* Deposition annexed, that that was the Western Boundary, tho' it left that Southern Half much narrower from the Sound, than the Northern Half; and by *Whitehead's* Certificate hereafter mentioned, it appears, that *John Baker* had then a Tract of Land given him by the Indians, which your Orators charge, was that Tract lying to the Westward of the *Minisink* Path, and included within the said Western Boundary; and which Western Boundary, so mark'd by the Indians, is described in *Jeremiah Osburn's* Deposition, N^o 4, of Schedule, N^o X. hereunto annexed, to which your Orators refer; and is represented on the Map, N^o III. hereunto annexed, by the Western Side of what's included within the yellow Colour: And as they prevailed on the Indians then to extend the Western Boundary of *Elizabeth Town*, as before, so herein after it shall be shewn evidently, that the Indians declared the Northern Boundary then to extend further than by any of the Indian Purchases of 1651, 1664, and 1671, herein

mentioned, the same could extend; tho' it was truly declared, and not doubted then by any one, that *Bound Creek* was the first River mentioned in the said Indian Purchase of 1664, and the Mouth of it the Northern Boundary thereof upon *Arthur Cull Bay*, and the Creek it self the Northern Boundary of the Purchase of the Indians of 1671, hereafter to be mentioned: And as they had thus clandestinely, illegally and *ex parte* prevailed on the Indians, to mark and declare the Western and Northern Boundaries of those Purchases much larger than what had before been really purchased of the Indians, it was the Cause, in all Probability, of the Joy and Satisfaction which the Head Men of *Elizabeth Town* did on that Occasion express; as by *Jeremiah Osburn's* Deposition aforesaid appears.

And your Orators say, That as to *Richard Clarke's* Deposition on the Parts of the Defendants annexed, the same is filled with so many Inconsistencies, and Facts contrary to Matters plainly appearing otherwise, by Matters of Record herein set forth, that your Orators presume, no Weight or Credit can be given thereto; and the rather for that in the principal Point that he was brought to prove, to wit, that the Indians did not declare what they mark'd as aforesaid, to be the Bounds of *Elizabeth Town*, but only mark'd and delivered it as a Part, in Lieu of the Whole; your Orators say, that in that Point his Deposition is contradictory to an Entry in the Town Book of *Elizabeth Town*, which your Orators have lately come to the Knowledge of; for that in the Hands of some of the Associates of *Elizabeth Town*, was some Years ago seen a Certificate in the Hand-writing of *Isaac Whitehead*, the first Man who was Clerk of *Elizabeth Town* as aforesaid, all legible except the Year of the Date at the Beginning, (which your Orators suppose was 1684) whereof that Person that saw it took an exact Copy when he saw it, in these Words: *These may signify, that on July the 16th the Indians, with sundry of the English, mark'd out the Bounds of Elizabeth Town, and recorded it in the Town Book, with the Indians Hands thereto, and attested by sufficient Witnesses; as may appear upon the Town Record, if Occasion serve, signed, Isaac Whitehead, Elizabeth Town, August 29th, 1688; and underneath was wrote, in the same Hand-writing, these Words, to wit. At which Time the Indians did give to Capt. John Baker, a certain Tract of Land, in Presence of sundry of the Town.*

And your Orators do further shew unto Your Excellency, That they having got a Copy

Copy of the said Certificate, as before, made Enquiry to discover in whose Hands the Original was, and very lately found it was in the Hands of the Defendant *Jonathan Hampton*, 5 one of the said *Elizabeth Town* Associates, who frankly owned it, declaring he had ever been averse to those new Pretensions of the Clinker Lot Right Men, and had used his best Endeavours to diswade them from them; 10 and had often, and upon many Occasions, shewed that Certificate to many of them, and to their Committee Men from Time to Time, when ever they talk'd of extending their Pretensions beyond that Line run in 1684; 15 and declared, that the Way he came by that Certificate was this, 'That the Father of him the said *Jonathan Hampton*, having purchased of the Heir of *John Baker*, of *Elizabeth Town* aforesaid, all the Remain- 20 der of the Right he had as Heir to his Father, got from him all the Papers belonging to the said *John Baker*, then in his Heir's Hands; and that those Papers came to him the said *Jonathan*, as Heir to his Father, 25 and that amongst them he had found it: And further declared, 'That by keeping it in his Pocket Book, on Purpose to shew his Townsmen, and by often shewing it to them, it was wore into four Pieces, whereof 30 one he had lost; and that while it was entire he had given many Copies of it, and that the Copy which your Orators had, was a true Copy thereof while entire; as he found by comparing it with a Copy in his 35 own Hand-writing then made: And that Justice might take Place, he freely gave the remaining three Quarters to your Orators, and which your Orators have here ready to be produced; which Matters your Orators 40 doubt not, but that the said *Jonathan Hampton* will, by his Answer to this Bill, on Oath confess; and that such of the other Defendants, as know or believe any thing thereof, will, by their Answer, set forth their Know- 45 ledge and Belief therein; and your Orators doubt not, but that many of the said Clinker Lot Right Men have seen or known of the original Entry in the Town Book in the said Certificate mentioned, with the Indians Hands 50 thereto, and that they will discover the same upon Oath, in their Answers to this Bill. And your Orators say, That that Entry with many others, directly contrary to the present Pretensions of those Clinker Lot Right Men, 55 were probably Part of the Motives to the Pretence, that that *Elizabeth Town* Book is lost.

And your Orators do further say, That on the 12th Day of *August*, 1684, an Informa- 60 tion was filed in the Court called the Court

of *Common Right*, (which was then the Supreme Court of the Province of *East New-Jersey*) against the said *John Baker*, and others the Head People of *Elizabeth Town*, 5 for calling together and treating with the Indians as aforesaid, without the License or Authority of the Government, against the Form of the said Act of Assembly; to which Information the Defendants, on the 18th 10 Day of the same Month of *August*, appeared, and pleaded Not guilty; and on the 28th Day of the same Month of *August*, the said Capt. *John Baker* was tried on the said In- formation, and by the Petty Jury was found guilty of a Breach of the said Act of Assembly; 15 whereupon the said *John Baker* was fined Ten Pounds, and bound to the good Behaviour for a Year; and afterwards, to wit, the 27th Day of *November*, 1684, the said *John Baker*, by his Petition to the said Court of Common 20 Right, acknowledged the Justice of the said Judgment against him, and declared that it was thro' his misunderstanding of the Act that he had transgressed, and prayed his Fine aforesaid to be remitted, and his Bond can- 25 celled; whereupon the said Court would not remit his said Fine, but as to the cancelling his Bond for his good Behaviour, the Court referred him to the Governor and Council; as by a Memorandum of these Facts, which 30 some of your Orators have seen, but have no such Authority for it as to offer it in Evidence; but your Orators doubt not, but that the Defendants, or some of them, know or have heard those Facts concerning that Prosecu- 35 tion related, and cannot upon Oath deny them to be as before, or to that Purpose.

And your Orators do further shew unto Your Excellency, That the said *Gawen Lowry*, Deputy Governor, on or about the 30th 40 Day of *October*, 1684, aforesaid, with the Assistance of *Stephen Osburn*, *George Jewel*, *Benjamin Ogden* and *William Broadwell*, all Associates of *Elizabeth Town*; as appears by *Jeremiah Osburn's* Affidavit annexed, and by 45 the N^o 1, 2, 3 and 41, of the second Column of the Schedule, N^o VIII. hereunto annexed; did openly, in *Elizabeth Town*, make a Purchase of the Indians of two large Tracts of Land, bounding on the West Side of the 50 Line that had been mark'd, as aforesaid, by the Indians for the West Bounds of *Elizabeth Town*, and there openly paid the Indians for the same, without the least Pretence then, nor till lately since the Verdict in the said 55 Cause of *Schuyler*, that any Part of the Land in said Purchase of *Gawen Lowry*, had been before purchased by any Man of *Elizabeth Town*: And the Indians, to wit, *Seweckronek*, *Mindowaskein*, *Canundus* and *Wewonapee*, 60 Indians,

Indians, by their Deed duly executed, bearing Date the said 30th Day of *October*, 1684, in Consideration of the Goods therein mentioned, delivered to them by the Governor, did grant, bargain and sell to the Lords Proprietors of the Province of *East New-Jersey*, two large Tracts of Land adjoining together, and bounding Easterly on the Line mark'd as the West Bounds of *Elizabeth Town* as aforesaid, Southerly on *Bound Brook* aforesaid, and Northerly and Westerly on the *Minisink Path* and *Passaick River*; as by the said original Deed referred to in the Deposition of *Jeremiah Osburn* annexed, by the Deed mark'd R. H. M. here ready to be produced, may appear; which Deed is recorded in Lib. A. pag. 262; and which Tracts are represented on the Map annexed, by what's within the green Colour, and in the Schedule N^o III. the Surveys, N^o 9, 11, 40, 10, 35, 34, 38, 39, 56, 45, 46, 69, 2, 36, 30, 147, 33, 128, 145, 86, 136, 115, 101, 89, 95, 114, 94, 113, 107, 104, 96, 90, 139, 49, 127, 126, 125, are wholly, or in Part included therein. And your Orators do say, That the Surveys, N^o 9, 11, 40, 35, 34, 38, there included, were settled in or about the Year 1685, by the Persons for whom those Surveys were made, being some of the General Proprietors, without any the least Claim or Pretence of *Elizabeth Town* People or any others, that the same had been purchased of the Indians before; nor was there till lately, any such Pretence or Claim; but the same has been quietly possessed and enjoyed by these Proprietors and their Assigns, without any Suit, until the Suit aforesaid against your Orator *John Vail*. And your Orators do further shew unto Your Excellency, That *Paywarren*, Indian, by his Deed, dated the 14th Day of *August*, 1688, for the Consideration therein mentioned received of Capt. *Andrew Hamilton*, Deputy Governor of *East Jersey*, did sell to the Proprietors of *East Jersey*, a Tract of Land beginning at *Hollands Brook*; and from thence as the River runs, to the meeting of the Branches of *Raritan*; and to run as far back as the said *Paywarren* and other Indians their Lands run; as by the said Deed, recorded in Lib. B. 534, may appear; of which Tract *Hollands Brook*, and down to the Meeting of the Branches, are represented near the Truth, on the Map, N^o III. but how far the Indians Land extended is uncertain; and the Surveys, N^o 23, 37, 68, 67, 65, 66 and 55, of the Schedule, N^o III. are included in, or are near to the said Indian Purchase.

And your Orators do further shew unto Your Excellency, That *Pawarone* and *Weimines*, Indians, by their Deed, bearing Date

the ninth Day of *October*, 1685, for the Consideration of sundry Goods therein mentioned, did sell unto the Lords Proprietors of *East Jersey*, a Tract of Land beginning upon *Hollands Brook* aforesaid, and running up the South Branch of *Raritan*; as by the original Deed (witnessed by *John Reid*, late Surveyor General of *East Jersey*, and by *John Campbell*, both dead, but whose Hand-writings are well known, and if disputed by the Defendants shall be proven) here ready to be produced, may appear; and which Tract of Land is represented on the Map N^o III. annexed, by what's within the red Colour adjoining the South Branch of *Raritan*; and the Surveys, N^o 22, 14, 15, 12, 13, of Schedule, N^o III. annexed, are included in or near to the same.

And your Orators do further shew unto Your Excellency, That *Tallquapie*, *Nicholas*, *Elalie*, Merchant, Indians, by their Deed, dated the 29th Day of *October*, 1701, for the Consideration therein mentioned, did sell to *John Johnston* and *George Willocks*, a large Tract of Land, lying on the Branches of the North Branch of *Raritan*, described as in the said Deed, which is recorded in Lib. C. Deeds End, 149; and which is nearly represented on the Map annexed, N^o III. by what's within the yellow Colour, including the same Branches; and within which the Surveys, N^o 51, 59, 62, 122, 120, 88, of Schedule, N^o III. are, in Whole or in Part, included.

And your Orators do further shew unto Your Excellency, That *Nanhamman*, alias *Squabicken*, *Naamucksha*, *Neman*, *Pakehautas*, *Tawlamam* and *Wawaleased*, Indian Sachems, by their Deed, dated the 20th Day of *June*, 1703, for and in Consideration of the Goods therein mentioned, did sell to *Mablon Stacy*, *Samuel Jennings*, *Thomas Gardner*, *George Deacon*, *John Wells*, *Christopher Wetherill*, *John Hugg*, *Isaac Sharp* and *John Reading*, English Proprietors, and Members of the Council of Proprietors within the Western Division of *New-Jersey*, a large Tract of Land, lying on both Sides of the South Branch of *Raritan*, and which is commonly known by the Name of *The lotting Purchase*; and which Deed is recorded at *Burlington*, in Lib. AAA. fol. 443, &c. and what thereof is on the East Side of the said South Branch, is nearly represented on the Map annexed, N^o III. by what's within the green Colour on the South Branch of *Raritan*; and within which are included a Multitude of Surveys, recorded at *Burlington*, for the Proprietors of the Western Division of *New-Jersey*.

And your Orators do further shew unto Your Excellency, That *Metamisco* and *Wataminian*, Indians, by their Deed, bearing Date

Date the 13th Day of *October*, 1709, for the Consideration therein mentioned, did sell to *George Willocks* and *Margaret* his Wife, and *John Rudyard*, (they having obtained a License to make such Purchase, pursuant to the Act for that Purpose pass'd in the Year 1703) a large Tract of Land, bounding on *Hollands Brook* on the South, the *Raritan* Lots on the East, and *Lamitunk Branch* of the North Branch of *Raritan* on the North, and *Cuybetunk Hills* on the West; as by the said Deed, recorded in Lib. B 2, 274, at *Pertb-Amboy*, may appear; and within which are contained the Surveys, N^o 79 and 80, of the Schedule, N^o III. annexed; and the same is represented in the Map, N^o III. annexed, by what's within the blue Colour, between *Hollands Brook* and *Lamitunk Branch*.

And your Orators do further shew unto Your Excellency, That in or before the Year 1711, a large Purchase was made of the Indians, for your Orators called the *New-Jersey Society*, adjoining upon the two last Purchases aforesaid, to wit, the *Lotting Purchase* and *Willocks's Purchase*; and extending from *Lamitunk North Branch*, to *Delaware River*, and into which Tract the late Pretence of the Defendants doth extend, and cuts thro' Part of it; which Purchase was surveyed and mark'd for your Orators of the *New-Jersey Society*, in *June*, 1711; and which Survey is said to contain 91,895 Acres, with Allowance for Highways; and is recorded in Lib. M. in the Surveyor-General's Office at *Burlington*, in the 10th, 11th and 12th Pages thereof; and so much as falls within the Defendants Pretence, is represented on the Map, N^o III. annexed, by what's within the red Colour, at the West End of this new Pretence of the Clinker Lot Right Men.

And your Orators do further shew unto Your Excellency, That in pursuance of a License obtained according to the Direction of the Act of 1703, aforesaid, *Nowenock* and *Toekney*, Indians, by their Deed, bearing Date the 10th Day of *November*, 1714, did, for the Consideration therein mentioned, sell unto *Elisha Parker* and *Adam Hude*, a large Tract of Land, as therein described, and which includes the Land from *Gawen Lowry's* Purchase aforesaid, to *Dead River*; and along that to *Johnston's* and *Willocks's* Purchase aforesaid; and along that and the other Purchases aforesaid, on the North Side of *Raritan River*, to *Gawen Lowry's* Purchase aforesaid; as by the License, recorded in Lib. O. 235, and Deed in Lib. A. of *Middlesex* and *Somerset*, pag. 234, may appear; and the same is represented on the Map annexed, N^o III. by what's within the blue Colour; and the

Returns of Surveys, N^o 73, 72, 75, 71, 74, 110, 112, 91, 92, 77, 85, 93, 119, 82, 108, 131, 130, 133, 134, 135, 137, 138, 140, 141, 143, 144, 146, 148, 149, 150, 151 and 152, of the Schedule N^o III. hereunto annexed, are, in Whole or in Part, included therein.

And your Orators do further shew unto Your Excellency, That pursuant to a License for that Purpose, *Nowenock*, Indian, by his Deed, bearing Date the 24th Day of *June*, 1717, for the Consideration therein mentioned, did sell to *John Harrison*, a Tract of Land described in the said Deed, and lying between *Dead River* and *Passaick River*; as by the said Deed, recorded in Lib. A 2, pag. 133, may appear; and which is represented by what is within the red Colour upon *Passaick* and *Dead Rivers*; and within which is included the Surveys, N^o 117, 121, 76, 87, 109, 106, 142, 105, 99, 103, 111 100, 97.

And your Orators do further shew unto Your Excellency, That *Joseph Frazey*, the *Elizabeth Town* Associate, N^o 50, of Schedule N^o VIII. annexed, did, contrary to the Law aforesaid, pass'd in the Year 1683, make a Purchase of one *Nowenock*, Indian, who by Deed, bearing Date the 16th Day of *March*, 1690, did convey to the said *Joseph Frazey*, all his Right and Interest to a Tract of Land and Meadow upon the South Branch of *Passaick*, alias *Monepenonk*, bounded on the West by a River, known by the Name of the *Dead River*, from a Maple Tree standing at the Mouth of the said River; so up to the Top of the *Long Hill*; and on the North by the said *Long Hill*; and on the East by *Passaick River*; and on the South by the aforesaid South Branch, as in the said Deed is described; as by the same Deed, lately recorded in Lib. K. fol. 170, may appear; and which Tract is represented by what's within the yellow Colour on *Passaick River*; and within which Purchase are contained the Surveys, N^o 27, 28 and 129, of Schedule, N^o III.

And your Orators do further shew, That in the Term of *March*, 1742-3, on the Trial of the Cause of *Cooper versus Crain*, the Defendants intending to surprize your Orators with an Evidence of a prior Possession of *Elizabeth Town*, gave in Evidence, that *Joseph Frazey* was deemed and esteemed an Associate of *Elizabeth Town*; and that about 35 Years before that Trial, he winter'd his Cattle there, and had a small House near the Lands in Question in that Suit; and that the Meadows on *Passaick*, whereof the Plaintiff *Cooper's* Tract included Part, were called *Frazey's* Meadows; but tho' this was a Surprize upon your Orators, yet one of your Orators Council then remembered the said Deed, and found it

on Record, which included all the Land which the said *Frazey* was so possessed of; and *Jeremiah Osburn*, a Witness to that Deed, being called into Court to be examined, whether *Joseph Frazey* claimed his Possession there, by that Indian Purchase, or by being an Associate of *Elizabeth Town*? He answered, by that Indian Purchase; and had often heard him say so; and that he always understood so; and that no Body at that Time had any Notion, that *Elizabeth Town* extended over the Mountains; which was enforced by what *Dennis Morris*, *James Doughty* and *Samuel Doughty*, three others of your Orators Witnesses, then said to the same Purpose, from what they heard from *Frazey* himself, and his Children: From whence the very Matter intended to surprize your Orators with, turned to be an Argument against the Defendant; for as *Joseph Frazey* was an Associate, he would not have purchased there from the Indians, if he had believed that the same had been purchased 26 Years before, by the Deed to *Bailey, Watson* and *Denton*; neither would the Associates have permitted him alone to have enjoyed so large a Tract of Land as about 10,000 Acres, if they had supposed they had had an equal Interest therein with him.

And your Orators do further shew unto Your Excellency, That they have here ready to be produced, another original Indian Deed, in the Hand-writing of *Isaac Whitehead* aforesaid, first Clerk of *Elizabeth Town*, dated the 23d Day of April, 1680, by which *Wewanapo, Sennachus* and *Nonsechem*, Indians, for the Consideration of Fifty-five Pounds, received in the Goods therein mentioned, did convey to Sir *George Carteret* a Tract of Land up in the Country amongst the Mountains, lying upon a Brook by the Indians called *Oppingua*, it going over the said Brook by a Line of marked Trees, there being a long Mountain called by the Indians by the Name of *Tantomwom*, the said Tract being by the Natives mark'd round about with an irregular Line of marked Trees; which Deed is also witnessed by the said *Isaac Whitehead*, whose Hand-writing they shall prove, if disputed by the Defendants. And your Orators say, they have used all their Endeavours to find the Situation of the said Tract, by finding out *Oppingua* Brook, and Mountain *Tantomwom*, but have not been able to find any Person who remembers any of those Names; but they conceive the Northern Boundary in the said *Frazey's* Deed, which is well known by the Name of the *Long Hill*, or *Long Mountain*, to be the long Mountain mentioned in the same Deed, and called *Tantomwom*; first from

the similitude of the Names, *Long Hill* and *Long Mountain*; 2dly, because a large Tract of Champaign Land is included between the said *Long Hill* and the Hills at the West Side of the Line mark'd as aforesaid, for *Elizabeth Town*, in 1684, as before; 3dly, for that the Surveys, N^o 27 and 28, in Schedule N^o III. were on the North Side of *Passaick River*, and South Side of the *Long Hill* or *Long Mountain*, survey'd above three Years before the said *Frazey's* Purchase; where they would not probably have been placed, if the Indian Purchase had not before been made, which does not appear to have been made but by this Deed; nor would the Indians probably have suffered such Surveys to have been made, if the Land had not been first purchased of them; 4thly, *Nowenock* by his said Deed to *Frazey*, sells only his Right and Interest in the Tract therein described, which is called 1000 Acres, more or less; whereas the Tract described contains about 10,000 Acres; from whence there's Reason to presume the Knowledge of the Parties, that the greatest Part of it was sold before, which does not appear to have been but by this Deed.

And your Orators do further shew unto Your Excellency, That by the Surveys in Schedule, N^o III. referred to, and by the Agreements amongst the Proprietors, confirmed by the Laws of *New-Jersey*, the Lands contained in those Surveys were duly appropriated and divided to those particular Proprietors, or Assigns of Proprietors to whom they were made, as well on the East Side of that Line mark'd as aforesaid, in 1684, for the West Bounds of *Elizabeth Town*, as on the West Side thereof; and the Persons for whom those Surveys were made on the East Side of that Line, held those Lands without any Pretence of any *Elizabeth Town* Men, until the Revolution in *New-Jersey* aforesaid, in 1699, when the Clinker Lot Right Men aforesaid, taking Advantage of the Disturbances then in the Province, for the first Time did presume to take upon themselves, by their own Authority, to make Divisions of Lands, and clandestinely to divide those Lands, or great Part thereof, amongst them; and as to such Part of the Surveys, in said Schedule, N^o III. as are to the Westward of the said mark'd Line, the Persons for whom they were made have quietly enjoyed them, till the starting of the new Pretence of the said Clinker Lot Right Men, after the Verdict aforesaid in *Schuyler's* Cause.

And your Orators do further shew unto Your Excellency, That as before it appears, that the Head Men of *Elizabeth Town*, did, in marking the West Line as aforesaid, in

1684, extend the pretended Bounds of *Elizabeth Town* further to the Westward than by the Purchases in 1664 and 1671, could be intended; and that those Clinker Lot Right Men, pretending to be Successors to those Purchases, have, since the Verdict in *Schuyler's Cause*, extended those Western Bounds six Times further than their Forefathers ever pretended; so your Orators will now proceed to shew, that the Heads of *Elizabeth Town*, in 1684, aforesaid, did extend the Northern Bounds thereof further to the Northward, than the Words of the said two Indian Deeds did or could warrant; and that these present Clinker Lot Right Men do pretend to extend the Northern Bounds thereof, far beyond what was ever pretended to by those their Forefathers; for as to the Deed herein before set forth, to *Bailey, Denton and Watson*, your Orators say, the North Bounds by that Deed, is represented by the yellow Colour running West from the Mouth of *Bound Creek*, on the Map, N^o III. annexed. And your Orators say, That by License from Governor *Carteret*, a Purchase was made about two Years after the said Deed to *Bailey, &c.* For, *Wapamuck* the Sachemaker, and *Wiemesane, Peter, Captamin, Wecaprobekan, Nopream, Perawrie, Sessome, Mamurtome, Cucanaque* and *Harisk*, Indians belonging to *Hackinsack*, the known acknowledged Proprietors on the one Side, by their Deed, dated the 11th Day of *July*, 1667, to Mr. *Obadiah Bruin, Mr. Samuel Kitchell, Michael Tomkins, John Brown* and *Robert Denison*, with the Advice and Consent of Capt. *Philip Carteret*, Governor of the Province of *New-Jersey*, and in the behalf of the Inhabitants then being, or to be the Possessors of the Tract of Land inserted in the said Deed, being the enlarging and perfecting of a Deed of Sale made with the Indians the Year before; by which Deed, the said Indians for themselves, with the Consent of the Indians, did bargain and sell all that Tract of Land bounded and limited with the Bay Eastward, and the great River *Passaick* Northward; the great Creek or River in the Meadow running to the Head of the Cove, and from thence bearing a West Line, for the South Bounds; and on the West back into the Country to the Foot of the great Mountain called *Watchung*; the Bounds Northerly up *Passaick River* runneth to the third River above the Town, and from thence upon a North West Line to the aforesaid Mountain; as by the said Deed, recorded in Lib. 1, pag. 69, may appear; and the Southern Bounds of said Purchase is represented by the red Colour upon *Bound Creek*, and a West Line from the Head of it, in the

Map, N^o III. hereto annexed, and the Lands included in that Purchase were soon afterwards known, and ever hitherto have been called, by the Name of *Newark*; and your Orators do say, that at the Time this Purchase was made, the Indians declared, that the Lands between the South Bounds aforesaid, and *Brackets Brook*, did belong to them, and offered to make Sale of them to the People of *Newark*; but they, in regard to their Neighbours of *Elizabeth Town*, would not buy them; which *Brackets Brook* is a Brook which falls into *Elizabeth River*, above *Elizabeth Town* Plat; and the West Line of the Purchase in 1664, by *Bailey* and others, from the Mouth of *Bound Creek* does nearly coincide with it, in so far as that Brook runs, nearly on a West Course, and that West Line does intersect it several Times; as in the Map, N^o III. is represented.

And your Orators do further shew unto Your Excellency, That the Tract aforesaid lying between the South Bounds of *Newark* and the North Bounds of said Purchase of 1664, (between the red and yellow in Map, N^o III. there) being so claimed by and belonging to the *Hackinsack* Indians, they, to wit, *Warkop, Wicham, Pearawe, and Nondragnen*, by an original Instrument, written upon the Margin of the Record of the said Purchase in 1664, in Lib. 1, pag. 1, bearing Date the last Day of *February*, 1671, do acknowledge themselves to be fully satisfied for the Purchase of all the Lands that they formerly laid Claim unto lying between *Elizabeth Town* and the Town of *Newark*; which Instrument is signed with the Marks of the said Indians, and is witnessed by *Samuel Edsal*, Interpreter, and by *John Berry*, and by *William Pardon*, Deputy-Secretary; the Reality of which second Purchase is confirm'd by the Depositions of *Lindsley, Tichenor, Harrison, Edsal*, and *Treat*, in the Schedule N^o X. annexed, and to which, and the said original Instrument on Record as aforesaid, your Orators refer. And as to what is said in the said Deposition of *John Ogden*, and others of the *Elizabeth Town* People, their giving Leave to *Newark* to make their said Purchase, and signing the License for that Purpose along with Governor *Carteret*; it's to be observed, that *John Ogden* was about that Time one of the Council; as by his Commission in Lib. 3, fol. 4, may appear; and as by sundry Acts of Governor and Council, signed by *Philip Carteret* the Governor, and by *John Ogden, Robert Vanquillen* and *James Bollen*, as his Council (which three are the N^o 77, 72, and 13, of the Second Column of the Schedule, N^o VII. of

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on Record, which included all the Land which the said *Frazey* was so possessed of; and *Jeremiah Osburn*, a Witness to that Deed, being called into Court to be examined, whether *Joseph Frazey* claimed his Possession there, by that Indian Purchase, or by being an Associate of *Elizabeth Town*? He answered, by that Indian Purchase; and had often heard him say so; and that he always understood so; and that no Body at that Time had any Notion, that *Elizabeth Town* extended over the Mountains; which was enforced by what *Dennis Morris*, *James Doughty* and *Samuel Doughty*, three others of your Orators Witnesses, then said to the same Purpose, from what they heard from *Frazey* himself, and his Children: From whence the very Matter intended to surprize your Orators with, turned to be an Argument against the Defendant; for as *Joseph Frazey* was an Associate, he would not have purchased there from the Indians, if he had believed that the same had been purchased 26 Years before, by the Deed to *Bailey, Watson* and *Denton*; neither would the Associates have permitted him alone to have enjoyed so large a Tract of Land as about 10,000 Acres, if they had supposed they had had an equal Interest therein with him.

And your Orators do further shew unto Your Excellency, That they have here ready to be produced, another original Indian Deed, in the Hand-writing of *Isaac Whitehead* aforesaid, first Clerk of *Elizabeth Town*, dated the 23d Day of April, 1680, by which *Wewano, Sennachus* and *Nonseabem*, Indians, for the Consideration of Fifty-five Pounds, received in the Goods therein mentioned, did convey to Sir *George Carteret* a Tract of Land up in the Country amongst the Mountains, lying upon a Brook by the Indians called *Oppingwa*, it going over the said Brook by a Line of marked Trees, there being a long Mountain called by the Indians by the Name of *Tantomwom*, the said Tract being by the Natives mark'd round about with an irregular Line of marked Trees; which Deed is also witnessed by the said *Isaac Whitehead*, whose Hand-writing they shall prove, if disputed by the Defendants. And your Orators say, they have used all their Endeavours to find the Situation of the said Tract, by finding out *Oppingwa* Brook, and Mountain *Tantomwom*, but have not been able to find any Person who remembers any of those Names; but they conceive the Northern Boundary in the said *Frazey's* Deed, which is well known by the Name of the *Long Hill*, or *Long Mountain*, to be the long Mountain mentioned in the same Deed, and called *Tantomwom*; first from

the similitude of the Names, *Long Hill* and *Long Mountain*; 2dly, because a large Tract of Champaign Land is included between the said *Long Hill* and the Hills at the West Side of the Line mark'd as aforesaid, for *Elizabeth Town*, in 1684, as before; 3dly, for that the Surveys, N^o 27 and 28, in Schedule N^o III. were on the North Side of *Passaick River*, and South Side of the *Long Hill* or *Long Mountain*, survey'd above three Years before the said *Frazey's* Purchase; where they would not probably have been placed, if the Indian Purchase had not before been made, which does not appear to have been made but by this Deed; nor would the Indians probably have suffered such Surveys to have been made, if the Land had not been first purchased of them; 4thly, *Nowenock* by his said Deed to *Frazey*, sells only his Right and Interest in the Tract therein described, which is called 1000 Acres, more or less; whereas the Tract described contains about 10,000 Acres; from whence there's Reason to presume the Knowledge of the Parties, that the greatest Part of it was sold before, which does not appear to have been but by this Deed.

And your Orators do further shew unto Your Excellency, That by the Surveys in Schedule, N^o III. referred to, and by the Agreements amongst the Proprietors, confirmed by the Laws of *New-Jersey*, the Lands contained in those Surveys were duly appropriated and divided to those particular Proprietors, or Assigns of Proprietors to whom they were made, as well on the East Side of that Line mark'd as aforesaid, in 1684, for the West Bounds of *Elizabeth Town*, as on the West Side thereof; and the Persons for whom those Surveys were made on the East Side of that Line, held those Lands without any Pretence of any *Elizabeth Town* Men, until the Revolution in *New-Jersey* aforesaid, in 1699, when the Clinker Lot Right Men aforesaid, taking Advantage of the Disturbances then in the Province, for the first Time did presume to take upon themselves, by their own Authority, to make Divisions of Lands, and clandestinely to divide those Lands, or great Part thereof, amongst them; and as to such Part of the Surveys, in said Schedule, N^o III. as are to the Westward of the said mark'd Line, the Persons for whom they were made have quietly enjoyed them, till the starting of the new Pretence of the said Clinker Lot Right Men, after the Verdict aforesaid in *Schuyler's* Cause.

And your Orators do further shew unto Your Excellency, That as before it appears, that the Head Men of *Elizabeth Town*, did, in marking the West Line as aforesaid, in

1684, extend the pretended Bounds of *Elizabeth Town* further to the Westward than by the Purchases in 1664 and 1671, could be intended; and that those *Clinker Lot* Right Men, pretending to be Successors to those Purchases, have, since the Verdict in *Schuyler's Cause*, extended those Western Bounds six Times further than their Forefathers ever pretended; so your Orators will now proceed to shew, that the Heads of *Elizabeth Town*, in 1684 aforesaid, did extend the Northern Bounds thereof further to the Northward, than the Words of the said two Indian Deeds did or could warrant; and that these present *Clinker Lot* Right Men do pretend to extend the Northern Bounds thereof, far beyond what was ever pretended to by those their Forefathers; for as to the Deed herein before set forth, to *Bailey, Denton* and *Watson*, your Orators say, the North Bounds by that Deed, is represented by the yellow Colour running West from the Mouth of *Bound Creek*, on the Map, N^o III. annexed. And your Orators say, That by License from Governor *Carteret*, a Purchase was made about two Years after the said Deed to *Bailey, &c.* For, *Wapamuck* the Sachem, and *Wiemefane, Peter, Captamin, Wecaprobekan, Nopream, Perawrie, Sessome, Mamurtome, Cucanaque* and *Harisk*, Indians belonging to *Hackinsack*, the known acknowledged Proprietors on the one Side, by their Deed, dated the 1th Day of *July*, 1667, to Mr. *Obadiah Bruin, Mr. Samuel Kitchell, Michael Tomkins, John Brown* and *Robert Denison*, with the Advice and Consent of Capt. *Philip Carteret*, Governor of the Province of *New-Jersey*, and in the behalf of the Inhabitants then being, or to be the Possessors of the Tract of Land inserted in the said Deed, being the enlarging and perfecting of a Deed of Sale made with the Indians the Year before; by which Deed, the said Indians for themselves, with the Consent of the Indians, did bargain and sell all that Tract of Land bounded and limited with the Bay Eastward, and the great River *Passaick* Northward; the great Creek or River in the Meadow running to the Head of the Cove, and from thence bearing a West Line, for the South Bounds; and on the West back into the Country to the Foot of the great Mountain called *Watchung*; the Bounds Northerly up *Passaick* River runneth to the third River above the Town, and from thence upon a North West Line to the aforesaid Mountain; as by the said Deed, recorded in Lib. 1, pag. 69, may appear; and the Southern Bounds of said Purchase is represented by the red Colour upon *Bound Creek*, and a West Line from the Head of it, in the

Map, N^o III. hereto annexed; and the Lands included in that Purchase were soon afterwards known, and ever hitherto have been called, by the Name of *Newark*; and your Orators do say, that at the Time this Purchase was made, the Indians declared, that the Lands between the South Bounds aforesaid, and *Brackets Brook*, did belong to them, and offered to make Sale of them to the People of *Newark*; but they, in regard to their Neighbours of *Elizabeth Town*, would not buy them; which *Brackets Brook* is a Brook which falls into *Elizabeth River*, above *Elizabeth Town* Plat; and the West Line of the Purchase in 1664, by *Bailey* and others, from the Mouth of *Bound Creek* does nearly coincide with it, in so far as that Brook runs, nearly on a West Course, and that West Line does intersect it several Times; as in the Map, N^o III. is represented.

And your Orators do further shew unto Your Excellency, That the Tract aforesaid lying between the South Bounds of *Newark* and the North Bounds of said Purchase of 1664, (between the red and yellow in Map, N^o III. there) being so claimed by and belonging to the *Hackinsack* Indians, they, to wit, *Warkop, Wicham, Pearawe, and Nonaragnen*, by an original Instrument, written upon the Margin of the Record of the said Purchase in 1664, in Lib. 1, pag. 1, bearing Date the last Day of *February*, 1671, do acknowledge themselves to be fully satisfied for the Purchase of all the Lands that they formerly laid Claim unto lying between *Elizabeth Town* and the Town of *Newark*; which Instrument is signed with the Marks of the said Indians, and is witnessed by *Samuel Edsal*, Interpreter, and by *John Berry*, and by *William Pardon*, Deputy-Secretary; the Reality of which second Purchase is confirm'd by the Depositions of *Lindsley, Tichenor, Harrison, Edsal*, and *Treat*, in the Schedule N^o XI. annexed, and to which, and the said original Instrument on Record as aforesaid, your Orators refer. And as to what is said in the said Deposition of *John Ogden*, and others of the *Elizabeth Town* People, their giving Leave to *Newark* to make their said Purchase, and signing the License for that Purpose along with Governor *Carteret*; it's to be observed, that *John Ogden* was about that Time one of the Council; as by his Commission in Lib. 3, fol. 4, may appear; and as by sundry Acts of Governor and Council, signed by *Philip Carteret* the Governor, and by *John Ogden, Robert Vanquillen* and *James Bollen*, as his Council (which three are the N^o 77, 72, and 13, of the second Column of the Schedule, N^o VIII. of

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Elizabeth-Town Associates) in *June* and *July*, 1666, in fol. 9 and 10 of said Lib. 3; which Time corresponds nearly with the Time in which the said License was probably granted, and was probably signed by those Persons as Members of the Council, and as those other Acts of the Governor and Council were signed.

And your Orators say, that what gave the People of *Elizabeth-Town* the first Pretence to Lands to the Northward of the Lines of that Indian Purchase of 1671, was an Agreement between them and the People of *Newark*, that the Division-Line between the two Towns should be a Northwest Line from *Dividend-Hill* (which Hill is near a Mile to the Northward of the West Line of *Newark* aforesaid;) and this Addition to *Elizabeth-Town* Bounds out of *Newark*, is represented by the Orange Colour on the Map, N^o III. annexed; in Consideration of the People of *Elizabeth-Town* their engaging to purchase for the *Newark* People, the Tract of Land since called *New Barbados Neck*; and in Confidence of that Agreement sundry of the People of *Newark* settled on *New Barbados Neck*, so engaged to be purchased; but some Time after, finding it to be purchased by *Kingsland* and *Sandford*, those People of *Newark* removed off, and the People of *Newark* claimed to their first West Line from the Head of *Bound-Creek*; as by the Depositions of *Lindsley*, *Tichenor* and *Harrison*, in Schedule, N^o X. annexed, more fully appears; but as those Depositions do not point out the Time of that Agreement, your Orators charge from other Evidence, that it was in or about the Year 1678; and the Return of the *Newark* Men from *New Barbados Neck*, was in or before the Year 1687; upon which Occasion the *Newark* People insisted, that as they had not nor could not have *New Barbados Neck* purchased for them, which was the Consideration for altering the Division-Line between *Elizabeth-Town* and *Newark*, that that Division-Line ought to be of no further Force, and that the Division-Line should run as before that Agreement, West from the Head of the Cove; but tho' some of the People of *Elizabeth-Town* thought this reasonable, and then settled the West-Line anew again, yet others absolutely refused to consent to that; but, in order to avoid it, pretended that their Indian Purchase and Patent from Governor *Nicholls*, gave them up to *Snake-Hill*; and that thereby they were not only intituled to the Triangle made by the Alteration of the Lines, but also to the very Town-Plat of *Newark*, and beyond it, which a Northwest Line from *Snake-Hill* (which

they then pretended was their Northern Bounds) would give them; whereupon the People of *Newark*, to guard themselves against this Pretence, applied themselves to *Samuel Edsal*, who had been the Interpreter at making the *Newark* Purchase, and also Interpreter for *Elizabeth-Town*, at making the second Purchase aforesaid in 1671, and a Witness to the Payment of Part of the Consideration of the Purchase of 1664 aforesaid, to certify his Knowledge of these Matters; who accordingly did so, under his Hand, bearing Date the fifth of *March*, 1687-8, and made Oath to his Certificate before *Isaac Kingsland*, one of the Council of the Province; a true Copy of which is N^o 9, of Schedule, N^o X. annexed; the Facts whereof your Orators charge to be true, and as if they had been herein set forth; and which original Certificate and Affidavit of *Samuel Edsal* remains in the Hands of the Clerk of *Newark Town*; and if the Genuineness thereof be doubted by the Defendants, your Orators doubt not but that they can fully prove it by Comparison of Hands and otherwise. And your Orators say, that Governor *Stuyvesandt*, mentioned in the same Certificate, was the Dutch Governor of *New-Netherland* at the Time of the Surrender thereof in 1664, aforesaid, and was so by Virtue of a Commission from the *States General*, dated the 26th Day of *July*, 1646, as appears by a Book of Records in the Secretary's Office in *New-York*, entitled, *A Book for entering Orders, Passes, &c.* 1664, 1665, pag. 15 to 21. And your Orators say, that the Name *Workhoven*, in the said Certificate mentioned, was the Name which the Indians gave to *Augustine Herman* aforesaid, and no other; for that your Orators deny, there was any other than that Purchase of *Herman* there, in *Stuyvesandt's* Time, or before it; that *Thomas Young's Point*, is what's now called *Debart's Point*, and is that Point of Land lying about a Mile Northerly from the Mouth of *Elizabeth River*, and which Point is made by the meeting of the Sound with *Arthur Cull Bay*; And the People of *Newark* at the same Time applied to *Robert Treat*, then Governor of *Connecticut*, and one of the first Settlers of *Newark*, to certify his Knowledge; which he did on the 13th Day of *March*, 1687-8, and made Oath thereto before a Justice of Peace of *Connecticut*; a true Copy of which is N^o 10, of Schedule, N^o X. annexed; the Facts whereof your Orators charge to be true, and as if they had been herein set forth; and which original Certificate, all in the Handwriting of the said *Robert Treat*, with the Affidavit, remains in the Hands of the Clerk of

of *Newark-Town*; and if the Genuineness thereof be doubted by the Defendants, your Orators doubt not but that they can fully prove it by Comparison of Hands and other ways; and to explain that Part of *Treat's* Certificate, which says that Governor *Carteret* could not say, that the Lands of *Newark* were bought of the *Hackinsack* Indians, and that he had promised to clear that Plantation of all Claims, arose from his Knowledge of *Augustine Herman's* Deed, which was before that Time brought by the said *Herman* to be recorded; and he had it recorded, as herein before mentioned; and he entered his Caveat against the Purchase of *Bailey* and others of 1664, aforesaid, on the Margin of the Record thereof; the Bounds of which Deed to *Augustine Herman*, by the Words thereof, do include the whole Lands of *Newark* Purchase; but as that Deed was from the *Staten Island* Indians, who it seems were Owners of no farther than to *Young's Point*, Governor *Carteret* could not say the Plantation was bought of the *Hackinsack* Indians, who then claimed to be the Owners thereof.

And your Orators do say, That the said North West Line from *Dividend Hill*, agreed upon as aforesaid, does come to the End of the North Mountain mentioned in the Deposition of *Jeremiah Osburn*, and that the Indians in 1684, declaring the North Bounds of the said Purchases of *Elizabeth Town*, to extend to that Mountain, or opposite to the End of it, was declaring it farther than the Words of any of the said Purchases in 1664 and 1671, did or could warrant; but these Encroachments or Extension of the Bounds of *Elizabeth Town* Westward and Northward, in 1684, were but trifling in respect to their Pretences aforesaid, in 1687, and of the late Pretensions of the *Clinker Lot Right Men*, the pretended Successors of those of 1684; for they within these few Years, to wit, after the said Verdict in the Cause of *Schuyler*, began to deny *Bound Creek* to be the first River mentioned in the Indian Purchase of 1664, tho' setting Westward out of *Arthur Cull Bay*, according to the Words of that Deed; and altho' the People of *Newark*, by their Purchase from the Indians aforesaid, and their Surveys and Grants from the Proprietors, have all along been possess'd up to *Bound Creek*, and to the very Mouth thereof; and tho' no *Elizabeth Town* Man ever had even to this Day, the Possession of an Inch of Ground on the *Newark* Side of *Bound Creek*; yet fighting a Seventy Years uninterrupted Possession, they have lately claimed several Miles over *Bound Creek* into *Newark*;

and on the View in your Orators *Penns Cause* aforesaid, did shew *Passaick River* as the River mentioned in the Indian Deed of 1664, and *Nicholls's Grant*; tho' the said *Passaick River* be not a River that sets West out of *Arthur Cull Bay*, but a River that sets out of the Bay many Degrees to the Eastward of the North, and beyond all the Rivers or Waters that set West out of the Bay; so that they pretend, that what appears to set towards the East out of the Bay, is what in the said Deed and Grant is described to be the first that sets West out of the Bay; and that a River which sets Eastward out of the Bay, and is beyond all the Rivers that set West out of the Bay, is yet the first River that sets West out of the Bay; and still not content with all those Absurdities, would not have that Boundary confined to the Mouth even of *Passaick River*, but showed to the Jury aforesaid, a Place upon the River, about a Mile North from the Mouth thereof; and from thence run a West Line as the Compass now points, as the Northern Boundary; tho' that West Line be near four Degrees more Northward than the Compass pointed in the Year 1664, at the Time of the Indian Purchase and Grant aforesaid, and consequently near four Degrees more Northerly than the Line would have been, if it had been run and mark'd in the Year 1664, or soon after. And your Orators charge, that all Courses in Grants in the Provinces of *New-Jersey*, *New-York* and *Pennsylvania*, are meant and understood to be the Course which the Compass did point at the Date of the Grants; to which your Orators did never as yet hear of one Exception in either of those Provinces, and of but very few People in either of those Provinces, that knew or could observe the Difference between the magnetical and true Meridians.

And your Orators say, That by the Industry and Application of the said Committee of the *Clinker Lot Right Men*, they the same Committee prevailed on great Numbers of People to purchase and lease of them (as herein before is set forth) quite North up to that Line, and to some People even beyond it, and all this upon no better Pretence, than that *Bound Creek* is not a River but a Creek; tho' in this they are so unlucky as to have it called by the Name of a great Creek or River so long ago as the Year 1667, by the Indian Deed aforesaid to *Newark*; and tho' it has been proved, and shall be again, if denied, that a Vessel of about 80 Tons Burthen was built in it, several Miles up from the Mouth thereof, to wit, at the Place mark'd A on Map, N^o III. and tho' at its Mouth it be ten Times broader than the 1st, 2^d and 3^d Rivers of *Newark*, which

Elizabeth-Town Associates) in *June* and *July*, 1666, in fol. 9 and 10 of said Lib. 3, which Time corresponds nearly with the Time in which the said License was probably granted, and was probably signed by those Persons as Members of the Council, and as those other Acts of the Governor and Council were signed.

And your Orators say, that what gave the People of *Elizabeth-Town* the first Pretence to Lands to the Northward of the Lines of that Indian Purchase of 1671, was an Agreement between them and the People of *Newark*, that the Division-Line between the two Towns should be a Northwest Line, from *Dividend-Hill* (which Hill is near a Mile to the Northward of the West Line of *Newark* aforesaid;) and this Addition to *Elizabeth-Town* Bounds out of *Newark*, is represented by the Orange Colour on the Map, N^o III. annexed; in Consideration of the People of *Elizabeth-Town* their engaging to purchase for the *Newark* People, the Tract of Land since called *New Barbados Neck*; and in Confidence of that Agreement sundry of the People of *Newark* settled on *New Barbados Neck*, so engaged to be purchased; but some Time after, finding it to be purchased by *Kingsland* and *Sandford*, those People of *Newark* removed off, and the People of *Newark* claimed to their first West Line from the Head of *Bound-Creek*; as by the Depositions of *Lindsley*, *Tichenor* and *Harrison*, in Schedule, N^o X. annexed, more fully appears; but as those Depositions do not point out the Time of that Agreement, your Orators charge from other Evidence, that it was in or about the Year 1678; and the Return of the *Newark* Men from *New Barbados Neck*, was in or before the Year 1687; upon which Occasion the *Newark* People insisted, that as they had not nor could not have *New Barbados Neck* purchased for them, which was the Consideration for altering the Division-Line between *Elizabeth-Town* and *Newark*, that that Division-Line ought to be of no further Force, and that the Division-Line should run as before that Agreement, West from the Head of the Cove; but tho' some of the People of *Elizabeth-Town* thought this reasonable, and then settled the West-Line anew again, yet others absolutely refused to consent to that; but, in order to avoid it, pretended that their Indian Purchase and Patent from Governor *Nicholls*, gave them up to *Snake-Hill*; and that thereby they were not only intituled to the Triangle made by the Alteration of the Lines, but also to the very Town-Plat of *Newark*, and beyond it, which a Northwest Line from *Snake-Hill* (which

they then pretended was their Northern Bounds) would give them; whereupon the People of *Newark*, to guard themselves against this Pretence, applied themselves to *Samuel Edsal*, who had been the Interpreter at making the *Newark* Purchase, and also Interpreter for *Elizabeth-Town*, at making the second Purchase aforesaid in 1671, and a Witness to the Payment of Part of the Consideration of the Purchase of 1664 aforesaid, to certify his Knowledge of these Matters; who accordingly did so, under his Hand, bearing Date the fifth of *March*, 1687-8, and made Oath to his Certificate before *Isaac Kingsland*, one of the Council of the Province; a true Copy of which is N^o 9, of Schedule, N^o X. annexed; the Facts whereof your Orators charge to be true, and as if they had been herein set forth; and which original Certificate and Affidavit of *Samuel Edsal* remains in the Hands of the Clerk of *Newark Town*; and if the Genuineness thereof be doubted by the Defendants, your Orators doubt not but that they can fully prove it by Comparison of Hands and otherwise. And your Orators say, that Governor *Stuyvesandt*, mentioned in the same Certificate, was the Dutch Governor of *New-Netherland* at the Time of the Surrender thereof in 1664, aforesaid, and was so by Virtue of a Commission from the *States General*, dated the 26th Day of *July*, 1646, as appears by a Book of Records in the Secretary's Office in *New-York*, entitled, *A Book for entering Orders, Passes, &c.* 1664, 1665, pag. 15. to 21. And your Orators say, that the Name *Workhoven*, in the said Certificate mentioned, was the Name which the Indians gave to *Augustine Herman* aforesaid, and no other; for that your Orators deny, there was any other than that Purchase of *Herman* there, in *Stuyvesandt's* Time, or before it; that *Thomas Young's* Point, is what's now called *Debart's* Point, and is that Point of Land lying about a Mile Northerly from the Mouth of *Elizabeth River*, and which Point is made by the meeting of the Sound with *Arthur Cull Bay*. And the People of *Newark* at the same Time applied to *Robert Treat*, then Governor of *Connecticut*, and one of the first Settlers of *Newark*, to certify his Knowledge; which he did on the 13th Day of *March*, 1687-8, and made Oath thereto before a Justice of Peace of *Connecticut*; a true Copy of which is N^o 10, of Schedule, N^o X. annexed; the Facts whereof your Orators charge to be true, and as if they had been herein set forth; and which original Certificate, all in the Hand-writing of the said *Robert Treat*, with the Affidavit, remains in the Hands of the Clerk of

of *Newark-Town*; and if the Genuineness thereof be doubted by the Defendants, your Orators doubt not but that they can fully prove it by Comparison of Hands and other ways; and to explain that Part of *Treat's* Certificate, which says that Governor *Carteret* could not say, that the Lands of *Newark* were bought of the *Hackinsack* Indians, and that he had promised to clear that Plantation of all Claims, arose from his Knowledge of *Augustine Herman's* Deed, which was before that Time brought by the said *Herman* to be recorded; and he had it recorded, as herein before mentioned; and he entered his Caveat against the Purchase of *Bailey* and others of 1664, aforesaid, on the Margin of the Record thereof; the Bounds of which Deed to *Augustine Herman*, by the Words thereof, do include the whole Lands of *Newark* Purchase; but as that Deed was from the *Staten Island* Indians, who it seems were Owners of no farther than to *Young's Point*, Governor *Carteret* could not say the Plantation was bought of the *Hackinsack* Indians, who then claimed to be the Owners thereof.

And your Orators do say, That the said North West Line from *Dividend Hill*, agreed upon as aforesaid, does come to the End of the North Mountain mentioned in the Deposition of *Jeremiah Osburn*, and that the Indians in 1684, declaring the North Bounds of the said Purchases of *Elizabeth Town*, to extend to that Mountain, or opposite to the End of it, was declaring it farther than the Words of any of the said Purchases in 1664 and 1671, did or could warrant; but these Encroachments or Extension of the Bounds of *Elizabeth Town* Westward and Northward, in 1684, were but trifling in respect to their Pretences aforesaid, in 1687, and of the late Pretensions of the *Clinker Lot Right Men*, the pretended Successors of those of 1684; for they within these few Years, to wit, after the said Verdict in the Cause of *Schuyler*, began to deny *Bound Creek* to be the first River mentioned in the Indian Purchase of 1664, tho' setting Westward out of *Arthur Cull Bay*, according to the Words of that Deed; and altho' the People of *Newark*, by their Purchase from the Indians aforesaid, and their Surveys and Grants from the Proprietors, have all along been possess'd up to *Bound Creek*, and to the very Mouth thereof; and tho' no *Elizabeth Town* Man ever had even to this Day, the Possession of an Inch of Ground on the *Newark* Side of *Bound Creek*; yet slighting a Seventy Years uninterrupted Possession, they have lately claimed several Miles over *Bound Creek* into *Newark*,

and on the View in your Orators *Penns* Cause aforesaid, did shew *Passaick River* as the River mentioned in the Indian Deed of 1664, and *Nicbolls's* Grant; tho' the said *Passaick River* be not a River that sets West out of *Arthur Cull Bay*, but a River that sets out of the Bay many Degrees to the Eastward of the North, and beyond all the Rivers or Waters that set West out of the Bay; so that they pretend, that what appears to set towards the East out of the Bay, is what in the said Deed and Grant is described to be the first that sets West out of the Bay; and that a River which sets Eastward out of the Bay, and is beyond all the Rivers that set West out of the Bay, is yet the first River that sets West out of the Bay; and still not content with all those Absurdities, would not have that Boundary confined to the Mouth even of *Passaick River*, but showed to the Jury aforesaid, a Place upon the River, about a Mile North from the Mouth thereof; and from thence run a West Line as the Compass now points, as the Northern Boundary; tho' that West Line be near four Degrees more Northward than the Compass pointed in the Year 1664, at the Time of the Indian Purchase and Grant aforesaid, and consequently near four Degrees more Northerly than the Line would have been, if it had been run and mark'd in the Year 1664, or soon after. And your Orators charge, that all Courses in Grants in the Provinces of *New-Jersey*, *New-York* and *Pennsylvania*, are meant and understood to be the Course which the Compass did point at the Date of the Grants; to which your Orators did never as yet hear of one Exception in either of those Provinces, and of but very few People in either of those Provinces, that knew or could observe the Difference between the magnetical and true Meridians.

And your Orators say, That by the Industry and Application of the said Committee of the *Clinker Lot Right Men*, they the same Committee prevailed on great Numbers of People to purchase and lease of them (as herein before is set forth) quite North up to that Line, and to some People even beyond it, and all this upon no better Pretence, than that *Bound Creek* is not a River but a Creek; tho' in this they are so unlucky as to have it called by the Name of a great Creek or River so long ago as the Year 1667, by the Indian Deed aforesaid to *Newark*; and tho' it has been proved, and shall be again, if denied, that a Vessel of about 80 Tons Burthen was built in it, several Miles up from the Mouth thereof, to wit, at the Place mark'd A on Map, N^o III. and tho' at its Mouth it be ten Times broader than the 1st, 2^d and 3^d Rivers of *Newark*, which

which in the said *Newark* Purchase Deed, and ever since, have all along pass'd and now are still known and called by the Name of *Rivers*; and tho' at its Mouth it be three
 5 Times as broad or more, than *Elizabeth* River, which runs thro' the Town Plat of *Elizabeth Town* and vents into the Sound at *Elizabeth Town Point*, and which keeps the Name of *Elizabeth River*, so far up as where
 10 a Child can step over it, and even to its Fountain; and so is frequently named in the Writings, to, from and amongst the *Elizabeth Town* People themselves; and tho' a Mill stands upon and goes by the Force of one of
 15 several Branches of fresh Water that run into *Bound Creek*, many Miles above the Mouth of the said Creek, to wit, at the Place mark'd B on Map N^o III. and another Mill stands, or lately stood, on another Branch
 20 near the Place aforesaid mark'd A; and tho' the Indians, Parties to those Deeds, have but one Name, to wit, *Sepouse*, to Rivers, Brooks and all Waters; and tho' *Passaick*, so long ago as 1667, by said *Newark* Deed, is called
 25 by the Name of the great River *Passaick*; and tho' by the Indian Deed to *Bailey, Denton* and *Watson* aforesaid, the Sound between *Staten-Island* and the Main is called a River, and yet the whole is salt Water, and all the
 30 Motion of the Water in it, is regularly forwards and backwards as the Tides flow and ebb; and tho' the same Sound or River in *Nicholls's* Grant aforesaid, be called the Sea which parts *Staten-Island* and the Main, and
 35 tho' that Sea, River or Sound, is in some Places not much broader than the Mouth of *Bound Creek*, and is so even at *Elizabeth Town Point*, in their daily View; and in some of the Surveys to the People of *Elizabeth Town*,
 40 that Sound is called by the Name of the Sound, or *Great River*; and notwithstanding all the Absurdities in this Pretence, it was strenuously insisted upon by the Defendants, not only on the said Trial of your Orators
 45 *Penns*, but also on the said two other Trials of *Cooper* against *Moss*, and *Cooper* against *Crain*; and on the first of those three Trials, as if they had made no doubt of carrying that Point, made Provision, by sundry Witnesses,
 50 to carry their Bounds to *Snake Hill*, and to run North West from thence; and insisted, that the Line they had shewed the Jury upon the View, was only a Part of their Whole; of which Witnesses *Richard Clarke* was one,
 55 and whose Deposition tending that Way, is in Schedule, N^o X. annexed: And this Point they endeavoured, by several other Witnesses, to prove, from Estimation and by Hearsay, and that People of *Newark* had confessed their
 60 Bounds to be to *Snake Hill*; and particularly,

that the said *Robert Treat* had confessed so; but, your Orators doubt not, his Certificate aforesaid in his Hand-writing, sworn to by him a Man of noted Veracity, will have some
 5 more Credit than many such Evidences pretending to have heard him say otherwise, and to have heard Persons say, that they heard him say otherwise; of which Nature their Evidences on this Point were; and for which Pretence your Orators could never learn any
 10 other Ground, than the License granted in *Nicholls's* Patent for to purchase up to *Snake Hill* beyond that Grant, which is so far from proving what they contend for in this Point, that it doth prove, that it was neither pur-
 15 chased nor granted at the Time of that Patent; and your Orators challenge them to show or prove any Purchase since of any Part thereof, other than that in 1671 aforesaid, for the Lands between *Elizabeth Town* and *Newark*,
 20 and to show or prove any Patents since of any Part thereof, other than what they have had under the Seals of *New-Jersey*, and of *East New-Jersey*, under the Proprietors thereof; and of which the Schedule, N^o VIII. annex'd,
 25 shews they have had a great Number.

And your Orators do show unto Your Excellency, That they have very little Apprehension, that the Variation of the Compass will be a Thing needful to be considered in
 30 this Controversy; yet, as your Orators may possibly be mistaken, they conceive it their Duty, to state that Matter in the clearest Light they can; and in order thereto, they have, in Schedule N^o XI. hereunto annexed,
 35 set down fourteen Observations of the Variation of the Compass at *London*, from the Year 1576, to the Year 1722 inclusive, collected from the Authors therein mentioned, whose Authority your Orators conceive
 40 incontestable; by which it appears, that in 146 Years, the Compass varied there 25 Degrees and a Half, which your Orators only offer, to shew that the Compass does vary, and not that the Compass has varied in like
 45 Manner in this Province; but in order to investigate or shew what the Variation of the Compass has been, since the Year 1664, (the Date of the Indian Deed to *Bailey, Watson* and *Denton*, and of *Nicholls's* Grant) in this
 50 and the adjoining Provinces of *New-York* and *Pennsylvania*, your Orators offer the following Facts; 1st, in the Year 1732, in the Supreme Court of *New-York*, in June Term, three Actions of Trespass came to be tried,
 55 two at the Suit of *Vendeventer*, and one at the Suit of *Suidam* against *Vendewater*, whereon *William Smith* and *James Alexander* were of Council for *Vendeventer* and *Suidam*, and *Joseph Murray* of Council for *Vendewater*; 60
 and

and the Fact upon which the Causes turned appeared thus; that in the Dutch Time many Grants or Patents for Lots of Land, lying between *Bedford* and *Flatbush*, lying within
 5 five Miles of *New-York* City, had been granted, stretching in Length East and West, and in Breadth North and South, and these had been granted about 90 Years before those
 10 Trials; and it appeared, that the Partition Fences of those Lots, had stood as they then stood, past the Memory of any Man then living; but it appeared at the said Trials,
 that the said Fences, instead of then standing East and West by the Compass according to
 15 the Grants, did, by the Compass, stand seven Degrees to the North of the East; wherefore as *Vendeventer* and *Suidam* had the Lot lying to the Southward of *Vendewater*, he insisted that his South Bound Line should
 20 run that seven Degrees into the Lot of the Plaintiffs; but upon producing to the Jury some of those Observations in the Schedule, N^o XI. it was insisted, that in 90 Years there might very well be seven Degrees Difference
 25 in the pointing of the Compass, seeing the Variation at *London* was much greater in that Time, tho' proceeding the contrary Way; and thereupon Verdicts were found for the Plaintiffs, and thereby an End was put to a
 30 Contention which had long subsisted on that Head; which Fact, as its in the Knowledge of *William Smith*, Esq; who has been of Council for the Defendants at Law, 'tis hoped will be admitted by the Defendants Answer,
 35 in order to save the Charge of examining Witnesses thereto. 2dly, In the Year 1687, *George Keith*, Surveyor-General of *East Jersey*, who was an excellent Surveyor, did, by Order of the Proprietors of *East Jersey*, run
 40 a Line from *Little Egg-Harbour*, North by West, and 3° 5' more Westerly as the Compass then pointed, for a Part of the Division Line then lately awarded between *East* and *West Jersey*, which Line he ran 60 Miles in
 45 Length; as by Lib. O. pag. 1, may appear; which fell upon the Corner of *Dobie's* Plantation, on the South Branch of *Raritan*; which Line, by Order of the Council of Proprietors of *West Jersey*, in or about the Year
 50 1721, was traversed by *John Chapman*, esteemed a careful Surveyor, and upon the Computation of his Traverse it appeared, that that Line was at the Time of his Traverse, North 16°, and 43' West, which leaves a Variation
 55 of 2° and 23' in that 34 Years between 1687 and 1721. 3dly, On the 8th of *January*, 1686-7, *Reed* and *Emly*, the Surveyors-General of *East* and *West Jersey*, certify the Variation of the Compass to be then 9° West-
 60 terly, in Lib. B. 53, which the said *George*

Keith also certifies in Lib. O. pag. 1. And your Orators have heard and believe, and doubt not to prove, that after many Observations, made by the Surveyor-General of *Pennsylvania*, and some Surveyors of *Maryland*, in the Year 1739, in order to the running a Line West, according to the Natural Position, as a Partition Line between the said two Provinces, from *Delaware* River, they found and agreed, tho' the Surveyors afore-
 10 said had Interests opposite, that the Variation of the Compass was then 5° and a Half West; and so run that Line accordingly; which leaves a Variation of 3° and a Half in 53 Years. 4thly, All expert Surveyors in this Province, 15 have for many Years observed, that in resurveying of old mark'd Lines, they, by running the Course with which they were at first run, continually left the mark'd Trees on the left Hand, if the Line had been at first
 20 run streight; and most of them, from their own Experience have found, that allowing one Degree Variation for every 20 Years, and so in Proportion since the Line was first run, that they generally thereby can keep along a
 25 streight Line well run at first. 5thly, The Streets of *Philadelphia*, which are long, streight and parallel, were, with the greatest Care and Exactness, laid out in the Year 1682, upon a Course North 18° East, which
 30 in the Year 1742, were found to be exactly North 15° East; which, in the Term of *August* 1742, was given in Evidence in the Cause of *Cooper versus Moss*, herein before mentioned, by *William Parsons*, Surveyor-
 35 General of *Pennsylvania*; and that he had seen many of the Records of the Patents for Lots bounding on those Streets in the Year 1682, which made the Course as before; and that he himself, with the greatest Care, had
 40 observed those Streets in that same Year 1742, to be North 15° East, as before; which Difference of 3° in sixty Years last past, your Orators from those, and many other concurrent Circumstances, charge to be at least the
 45 Variation of the Variation of the Compass in that 60 Years; and that for 17 Years more, to the Date of *Nicholls's* Grant from 1741, the Time of the View in your Orators *Penns* Cause, the Variation was, according to that
 50 Proportion, 51' more; and therefore, that the West Line then shewn by the Defendants to the Jury, and run by the Compass, fell 3° and 51' to the Northward of what a West Line would have been, if run from the same
 55 Place, at the Date of *Nicholls's* Grant afore-said.

And your Orators do shew, That *Luke Watson*, in the said Indian Deed and Grant from *Nicholls* named, by his Deed, bearing
 60 Date

Date the fifth Day of July, 1683, for the Consideration of Ten Shillings, did convey all the Right he had by the same, to William Penn, deceased, Father of your Orators John Penn, Thomas Penn and Richard Penn, in Fee-simple, as by the Record thereof, in Lib. C. N^o III. pag. 228, may appear; and to which (if any Right it gave) your Orators Penns are intitled. And your Orators charge, to that if said Indian Purchase and Nicholls's Grant, had been prior to Herman's Indian Purchase, and the Duke's Grant to Berkley and Carteret; and in that Case if they could have made a Title in Law, yet not one of those Clinker Lot Right Men have that Title, for it's not pretended, that either the Indian Deed alone, or Nicholls's Grant alone, could make a Title, and consequently if both only made a Title, that Title was in the Assigns of Bailey and Watson, who were the only Persons named in both Indian Deed and Nicholls's Patent; for as to Baker and Ogden, named in the Patent and not in the Indian Deed, no Conveyance has hitherto appeared to either of them, from any of the Persons named in the Indian Deed; neither have any of these Clinker Lot Right Men ever produced any Conveyance to any Part of what they claim, from Bailey or Watson, or their Assigns; wherefore your Orators charge, that they have none such, and therefore the utmost that they could in said Case claim, was an Equity to have such Conveyances from Bailey and Watson's Assigns, upon Proof of Bailey, Watson, or their Assigns Agreement, that they should have equal Shares with them, in what was granted by the said Indian Purchase and Nicholls's Grant; which your Orators charge never was, nor can they prove; and as to what has been hitherto offered for the Proof thereof, viz. that such Persons were deemed and called Associates of Elizabeth Town, your Orators conceive it proves only, that they were some of those Persons who associated themselves with Governor Carteret, as before, for settling that Town upon the Footing of the Concessions, and the Terms agreed on between him and them for dividing a Quantity thereof for a Township, as herein before is set forth, which proves the direct contrary of what they offer this Proof for; and tho' many Conveyances be upon Record from the said Associates and their Assigns, Part whereof are noted in Schedule, N^o VIII. annexed, by which they themselves do mention the Patents to them of those Lands from the Proprietors, and some of them referring to the Dates of the Patents, others reserving the Proprietors or the Lords Rent or Quit Rent; yet your Orators have not discovered,

or remember to have heard of one Conveyance upon Record, before the New-Jersey Revolution in 1699 aforesaid, of any Interest that the said Associates, or any of them, had or pretended to have under the said Indian Purchase to Bailey, &c. and Nicholls's Grant, except the Conveyance aforesaid of Bailey's Claim thereby to Governor Carteret, and except the Conveyances aforesaid for the Use of Woodbridge and Piscataway, (who tho' they had that Pretence to their Lands, were far from ever claiming them by Virtue thereof, as before is shewn) and except the aforesaid Conveyance from Watson to William Penn aforesaid; from whence your Orators conceive it's obvious, that the said Associates did not esteem they had Title to their Lands by that Indian Grant to Bailey, &c. and Patent of Nicholls, but by Virtue of their Warrants, Surveys and Patents from the Proprietors, appearing in Schedule, N^o VIII. annexed; and even since the said Revolution in 1699 aforesaid, when the Clinker Lot Right Men first combined to lay out and hold Lands by that Pretence; your Orators have not found on Record so many as six Conveyances of any of this Pretence, until after the Verdict in Schuyler's Cause aforesaid; your Orators do admit, that there be many Conveyances upon Record of a first Lot Right in Elizabeth Town, of a second Lot Right in Elizabeth Town, and of a third Lot Right in Elizabeth Town, before the said Revolution in 1699; but those, your Orators say, had no Relation to the Deed to Bailey, and to Nicholls's Grant, but to the Agreements made between Governor Carteret and the Inhabitants, for the settling of Elizabeth Town on the Footing of the Concessions aforesaid; as in the like Case there is for the Settlement of Woodbridge, by their Charter, herein before mentioned.

And your Orators do say, That from the Year 1670, there have been always Receivers General of the Quit Rents, and other Dues of the Proprietors, from Time to Time appointed by the Proprietors, and who upon their Appointments, were notified to the People by publick Proclamations from the Government, that the People might be at no Loss to know to whom to pay the Quit Rents due from them to the Proprietors; and yet the Defendants and Confederates have, for a great Number of Years, neglected and refused to pay to the said Receivers-General, or to your Orators, or those under whom your Orators claim, the Quit Rents due for the Lands granted by the Proprietors as aforesaid, within the Bounds of the Lands in Question.

And

And your Orators do say, That the several Warrants, Surveys, Patents, Deeds, Instruments, Certificates, Depositions, Books and all other Writings whatsoever, mentioned in 5 this your Orators Bill of Complaint, and in the Schedules thereunto annexed, your Orators have either the Originals ready to be produced to this Court, or Copies thereof, exemplified under the Great Seals of *New-Jersey* 10 or *New-York*, or otherwise well attested; and to all which Warrants, Surveys, Patents, Deeds, Instruments, Certificates, Depositions, Books and other Writings, your Orators for more Certainty do refer themselves by this, 15 as fully as if to each of them your Orators had particularly referred themselves, and proffered the same to this Court; and as if the same Warrants, Surveys, Patents, Deeds, Instruments, Certificates, Depositions, Books and 20 other Writings, were herein every Word thereof set forth.

And your Orators do further say, That from some Memorials they have discovered since drawing this Bill, they have Reason to believe, 25 and your Orators do hereby expressly charge, that no other Christian Person whatsoever, was settled upon any Part of the Lands in Question, than *John Ogden* and *Luke Watson* afore said, before Governor *Carteret's* Arrival 30 in *New-Jersey*, and his settling on the Lands in Question with the People he brought with him, and his calling the Place he settled at by the Name of *Elizabeth Town*, as afore said.

And upon the Whole of the preceeding 35 Case, your Orators say, that the following Points in Controversy have been agitated and insisted on between your Orators and the Clinker Lot Right Men afore said, and now your Orators insist on their Part on them, 40 viz.

First Point in Controversy.

The Clinker Lot Right Men afore said on their Part have insisted, That King CHARLES the Second was never seized of the Lands in 45 Question; and from thence infer, that they were not, nor could could not be granted by either of the Grants afore said to the Duke of *York*; and therefore that the Duke of *York* and his Assigns, had no Title thereto. In 50 Answer whereunto your Orators have insisted, and do now insist, That King CHARLES the Second, by Means of the first Discovery as afore said; by the Dutch Settlement of *New Netherland*, whereof the Lands in Question 55 were Part, by the Leave and at the Will of the Crown of *England*; by the Purchase of *Augustine Herman*, a Dutch Subject, in the Year 1651 afore said, from *Mattano* and other Indians of *Staten-Island*, of all their Right in 60 the Lands in Question; by the daily Use the

Dutch made of them by passing thro' them, to and from *New-Amsterdam* and the *Zuydt River*; by the Conquest and Surrender thereof in 1664 afore said; by the Cession thereof 5 by the Treaty of *Breda*, in 1667 afore said; by the Dutch Conquest in 1673 afore said, and by their absolute Concession thereof, by the Treaty of *London* afterwards, in the same Year 1673; your Orators say, by those Means 10 King CHARLES the Second became unquestionably seized of the Lands in Question, in the said Year 1673, and therefore had good Right to make the second Grant at least to the Duke of *York*, in the Year 1674 afore said; and if King CHARLES the Second was not 15 seized at the Time of his first Grant to the Duke of *York*, in 1664, it remains no Objection to your Orators Title, because the Objection is removed by the second Grant afore said in 1674, and the Conveyances to 20 your Orators under it; but the Objection remains in Force against the pretended Grant afore said from Governor *Nicholls*; and further, that suppose your Orators could not have shewed such a Seizin, yet the Act of 25 1703, herein before set forth, estops all Questions on that Head, by making the Title under the Crown the only good Title in this Province, and all Pretences by Indian Purchases void. 30

Second Point in Controversy.

The Clinker Lot Right Men pretend, that by Virtue of Governor *Nicholls's* License afore said, and of *Mattano's* Deed afore said, to *Bailey, Denton* and *Watson*, for a great 35 Consideration; and Governor *Nicholls's* Grant afore said to *Baker, Ogden, Bailey* and *Watson*, and their Associates, of the Lands in Question, these Grantees became well intitled to the Lands in Question, without being liable to 40 pay any Rent, tho' expressly provided by that Grant to be paid; without being liable to comply with any Thing they should be ordered by the Duke of *York*, tho' expressly provided by that Grant that they should; and 45 without any Leave to the Duke or his Assigns to plant other Persons on those Lands, in Case the Grantees did not plant them, tho' expressly provided by that Grant that the Duke might. In Answer whereunto your 50 Orators have insisted, and do now insist, that *Mattano* had no Right whatsoever to any Part of the Lands in Question, after the Deed to *Augustine Herman*, in 1651, afore said, and consequently his Deed to *Bailey, Watson* and 55 *Denton*, in 1664, was absolutely void; and as the Duke of *York*, by his Grant afore said, to Lord *Berkley* and Sir *George Carteret*, had, in June 1664, divested himself of all Right he had to the Lands in Question, there 60 remained

remained Nothing in *December* thereafter, in the Power of Governor *Nicholls*, his Deputy, to grant; and therefore nothing did or could pass in *December* 1664, by *Nicholls's* Grant aforesaid, to *Baker* and others, of the Lands in Question.

Third Point in Controversy.

The Clinker Lot Right Men pretend, that however in strictness of Law the said Grant from *Nicholls* might be void, yet as neither Governor *Nicholls* nor the Grantees had any Notice of the Duke's Grant to Lord *Berkley* and Sir *George Carteret*, the said Grant from *Nicholls* ought to stand good in Equity. In Answer to which your Orators have insisted, and do now insist, that whatever Equity the Grantees had against Governor *Nicholls* and the Duke, for Reparation of the Damages they had suffered, and Expence they had been put to by that Transaction, yet they had no Equity whatsoever against Lord *Berkley* and Sir *George Carteret*, bona fide Purchasers; but tho' they had no Equity against Lord *Berkley* and Sir *George Carteret*, yet your Orators insist, that Governor *Carteret* procured for the Grantees, all the Equity that they could have been intitled to from Governor *Nicholls* and the Duke; first, by purchasing all the Equity that *John Bailey*, one of them, had; 2dly, by procuring from *Daniel Pearse*, in behalf of *Woodbridge* and *Piscattaway*, the Sum of *Eighty Pounds* sterling, for their Equity as to one Half, which *Eighty Pounds* sterling is above twice the Sum that they expended on that Transaction, and that within less than two Years after they had so expended it; 3dly, by granting, or tendering to grant, to the first four Families (if so many) who had settled upon the Lands in Question, before Notice of the Grant to Lord *Berkley* and Sir *George Carteret*, all the Lands they had so settled on and improved, and much more, rendering one Half-penny sterling, for each Acre thereof, which was the Customary Rent for all new Plantations in *New-Jersey*; of which Grants or Tenders the Transactions in this Bill set forth of the Years 1672 and 1674, and Schedule, N^o VIII, are full Evidence; but if those Grantees of *Nicholls* had not had, nor obtained that Equity, your Orators insist, that neither Lord *Berkley* nor Sir *George Carteret*, nor their Assigns, were ever liable to answer for it; but that Governor *Nicholls* and the Duke were solely answerable to *Nicholls's* Grantees for it.

Fourth Point in Controversy, is,

The Clinker Lot Right Men pretend, that as the 80 Persons called Associates of *Elizabeth Town*, in *Osburn's* and *Clarke's* Deposition, and Schedule, N^o VIII, were deemed and

esteemed Associates of *Elizabeth Town*, that thereby they became equally intitled with *Nicholls's* Grantees aforesaid; and that they, these Clinker Lot Right Men, being their Heirs or Assigns, are the same Way intitled. In Answer to which your Orators have insisted, and do now insist, that *Nicholls's* Grantees had no Right in Law, as before, neither had they any other Right in Equity, than what's in the third Point set forth; for which Equity they had Compensation, as there mentioned: And your Orators further insist, that the proving of those 80 to be deemed and esteemed Associates of *Elizabeth Town*, is no Proof of their being Associates to *Nicholls's* Grant or Deed from *Mattano* aforesaid, to *Bailey*, &c. for no Part of the Lands in Question were called *Elizabeth Town*, until Governor *Carteret's* Arrival in or before *August* 1665, with a great Number of People; that upon his Arrival, he, with those People, settled at the Place called *Elizabeth Town*, and he then gave the Place that Name, after the Name of Sir *George Carteret's* Lady, and intended it for, and all his Life afterwards used it as, and endeavoured to make it the Metropolis of *New-Jersey*; that the four Families (if so many) who were there settled before, upon Notice of Lord *Berkley* and Sir *George Carteret's* Title from the Duke being prior to *Nicholls's* Grant, did acknowledge the said Proprietors Title, and associated themselves with Governor *Carteret* and the People he brought with him, and agreed with him and them upon Rules and Methods for the Settlement of a Town at the Place now called *Elizabeth Town*, and upon the Encouragement proper to be given to Persons to be admitted to come and settle there, upon the Number of such Families, and upon Divisions of Land to be made by 1st Lot, 2d Lot and 3d Lot Rights; all which Agreements were made by Governor *Carteret* with those People, under and consonant with, and agreeable to the Concessions aforesaid; and that all the Associates of *Elizabeth Town*, became Associates of *Elizabeth Town* by those Agreements with Governor *Carteret*, and by their being admitted to the Benefit of those Agreements, and not under any Pretence of Title by *Nicholls's* Grant aforesaid; that tho' it appears, that in the Year 1672, not only the Inhabitants of *Elizabeth Town*, but also those of *Newark*, *Woodbridge* and *Piscattaway*, did, contrary to the very Agreements upon which they had settled and were admitted Inhabitants, pretend to the Right both of Soil and Government, by *Nicholls's* Grant aforesaid; and by their own Authority, elected *James Carteret*, Son of Sir *George Carteret*, as their

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President

President and Governor, imprisoned the Secretary and Receiver-General and others, and obliged Governor *Carteret* to fly to *England*, to complain of those Proceedings; yet it appears, that upon the Redress which his Majesty King *CHARLES* the Second, and the Duke of *York* and Proprietors granted in that Affair, in the Year 1674, those Inhabitants were convinced of the Folly and Danger of those Proceedings, and laid aside that vain and idle Pretence, and applied for, and every of the said 80 Associates (except *Homan* who died a Batchelor at that Time) had Warrants for surveying the Lands due to them by the Concessions, according to the Time that they had come into this Province, and had been admitted Associates; and most of them had Surveys and Patents for their Lands according to the Concessions; as by Schedule, N^o VIII. appears; and whoever had not, might have had them; as by the Proceedings of 1672 and 1674, herein mentioned, fully appears.

And your Orators think, it might have been hoped, that after so solemn an End had been put to that, in its very Foundation most vain, idle and unreasonable Pretence, now 70 Years ago, that it would never have been again revived; nor was it during all Governor *Carteret's* Government, which lasted till *November*, 1682, as before; but your Orators find, that *Baker* and others, in the Year 1684, endeavour'd to impose on Governor *Lowry*, a Stranger then just come into the Country, with this Pretence, and endeavoured to swell it to a much greater Extent than before, by Means of some Indians whom they had got to countenance that their Pretence; for which the said *Baker* and his Accomplices in this Attempt, were prosecuted, as herein before is set forth; that in the Year 1687, they attempted to frighten their Neighbours of *Newark*, with a Pretence to the whole Town of *Newark*, by pretending their Bounds extended to *Snake-bill*, and by a North-west Line from thence; without any other Foundation that ever your Orators could learn, than the Leave set forth in *Nicholls's* Grant, to purchase as far as *Snake-bill*; till their Neighbours of *Newark* guarded themselves against that Pretence by *Samuel Edsal's* and *John Treat's* Certificates and Affidavits; whereof Copies are annexed in Schedule, N^o X. Whether *Jeffery Jones* insisted on this Pretence in 1695, your Orators know not, nor have ever learned; but during all this Time, and till 1699, tho' they had talkt of this Pretence, as before, yet none ever did presume to lay out any Lands, or make any Divisions of Lands on that Pretence; but to make up for that Omission, during 35 Years

after that pretended Grant, some Men pretending to be *Elizabeth-Town* Associates, or Heirs or Assigns of such (while the Government of the Proprietors in the Year 1699, was trampled under Foot, by reason of their own Dissentions, and their then imprudent Conduct, and while by that Means a Civil War was raging in the Province) combined together to make a Division of Lands on the Pretence of *Nicholls's* Grant; which they effected privately, and in the Night-time; and then had the Name of *Clinker-Lot Right* Men given to them by their Neighbours, who then refused to join in that Combination: So privately was that Division carried on, that till the Trial of *Woodruff*, herein before mentioned, in the Year 1716, your Orators knew not of it; and the Arguments in that Cause were such (tho' none of your Orators or any of the General Proprietors ever supported or intermeddled in that Cause) as convinced those Men, that that Pretence was vain, idle and void; and therefore they made Purchases of Rights of Propriety, and laid them upon those Lands that had fallen to them by that Division, so far as they were not before appropriated; of which Surveys Part are mentioned in Schedule, N^o IX. And from that Time this Pretence slept till the Verdict in *Schuyler's* Cause aforesaid, in which Cause your Orators no way concerned themselves; when the Pretences of those *Clinker Lot Right* Men became so extravagant, and so far beyond the most extravagant of their Forefathers in 1672, 1684 and 1699, that it awakened your Orators to think this a serious Matter, and to discover the Pretensions of those Men, and to have an End put to them; Men who, your Orators have reason to believe, cannot shew so much as one Conveyance made by *Bailey*, *Ogden*, *Watson*, or *Baker*, or any one of the said 80 Associates, in their Lives (for your Orators never heard of any one such, but those of *Bailey* to *Carteret*, and *Watson* to *Penn.* herein before set forth) of any Part of that Pretence, by *Nicholls's* Grant and *Mattanoe's* Deed, to *Bailey Watson* and *Denton*, and if any other Deeds can be shewn of that Pretence, your Orators presume they must be in or after the Revolution in 1699 aforesaid, and but few even of them (till *Schuyler's* Cause depended) can be shewn; Men, who, by pretending to what they themselves know is a void Pretence, and do know that they have not so much as even that void Pretence, by their artful and fraudulent Practices upon your Orators Tenants, and under Colour of selling those Lands to those Tenants, have stripped them of large Sums of Money, and induced great Numbers

Numbers of them to enter into Bonds to them, of *Ten Pounds per Hundred Acres*, to defend the Sellers to them, against your Orators, and other the General Proprietors, to the Oppression of those poor and foolish People, and great Slander of your Orators and their Fellow Proprietors Titles, and the Titles of those who hold those Lands under them, and to the great Vexation and Charge of your Orators.

All which Actings and Doings of the Defendants and the Clinker Lot Right Men, and other the Confederates aforesaid, are contrary to Equity and good Conscience, and tend to the manifest Wrong and Injury of your Orators and their fellow Proprietors, and Persons claiming under them. IN TENDER CONSIDERATION WHEREOF, and 1st, for that tho' your Orators, and Persons claiming under them, have already obtained great Numbers of Verdicts and Judgments at Law, against the Defendants and Confederates, who defended themselves under the Pretence set up by the Clinker Lot Right Men as aforesaid; and which was insisted upon by them, on the View and Trial in your Orators *Penns* Cause aforesaid; yet your Orators have no Means at Law to quiet themselves and their fellow Proprietors, and Persons claiming under them, against that Pretence of the Defendants and Confederates, and can only be effectually relieved and quieted against the said Pretence, by a perpetual Injunction against the same, decreed by this Court.

And for that, 2^{dly}, tho' the Facts and Substance set forth in this Bill, have been given in Evidence against this Pretence, at the Bar of the Supreme Court of this Province, in the Case on the Demise of your Orators *Penns*, in August Term, 1741; in the Case of your Orator *John Vail*, in March Term, 1741-2; in the Case of your Orator *Daniel Cooper* against *Joseph Moss*, in August Term, 1742; in the Case of your Orator *Daniel Cooper* against *John Crain*, in March Term, 1742-3; in the Case of your Orator *Daniel Cooper* against *John Denman*, in August Term, 1743; in the Case of your Orator *Daniel Cooper* against *John Scudder*, in March Term, 1743-4; and tho' in every of the said Cases, so solemnly tried, general Verdicts were given against the said Pretence of the Defendants, except in the Case of your Orator *John Vail*; and tho' a great Number of other Verdicts, and also a great Number of other Judgments, have been within these three Years last past had, some by Confession and others by Default, against Persons claiming by and under the present Defendants Pretence aforesaid; yet these Defendants and Confederates will not own that

their Pretence is Void, but still insist that the same is good, and still keep Possession, under Colour thereof, of several Thousands of Acres of the Lands in common amongst your Orators and other their fellow Proprietors, and of many Thousands of Acres of the Lands which have been appropriated to your Orators and those under whom they claim, and to Persons claiming under your Orators, by Surveys or Patents, as herein before mentioned; and to oust some of those Pretenders of these Lands, 18 Actions of Ejectment are now at issue and depending, and it would require a much greater Number of Actions to oust all those Pretenders of the Whole, which would create a great Multiplicity of Suits, and an immense Charge; whereas the said Pretence of the Defendants, can in this one Suit be adjudged and determined at a much less Charge; and if any Equity the Defendants have to the Lands they have lately possessed themselves of, under Colour of the said Pretence, or were formerly possessed of before starting of this Pretence, they can shew it also to this Court, in their Answer to this Bill, where it will have all the Weight that it deserves.

And for that 3^{dly}, no Court of this Province is authorized to try Titles of Land but the Supreme Court, and there are but two Terms yearly in the Supreme Court for the Eastern Division of *New-Jersey*, and these only of eight Days Continuance; and as most of the past Trials aforesaid in this Case, have each lasted about 36 Hours, from the Time of calling to the charging of the Jury; which so fatigues the Judges and Council, that it's impossible to try above one of those Causes in one Term, without neglecting the other Business of the Term; by which Means, if the Defendants be obstinate, as they seem resolved, it must take nine Years to try those 18 Ejectments now at issue; and above four Times that Number of like Actions, your Orators have now just Cause to bring, which, by the same Rule, would be other 36 Years more in trying; and as the Defendants and Confederates are now cutting, selling and destroying the Woods upon those your Orators Lands, and enjoying the whole Profits thereof, they can, by that Means, raise the whole Charge of those Suits out of your Orators Lands, with a great Overplus; and so make good the Hopes they gave to those who purchased of them, that they might defend themselves against your Orators, with the Timber and Profits they could make of your Orators Lands, and retain a Profit to themselves, when your Orators had ousted them; for which Cause your Orators conceive, that

that the Relief which the Law can give in this Case, is no ways adequate to this Mischief.

And for that 4^{thly}, so great a Number of 5 Facts as this Case consists of, and which require about 30 Hours to give them in Evidence to a Jury, it is, in the Nature of Things, impossible for the Jury to retain and give the due Weight to all those Facts; whereas the 10 Proofs of those Facts, can with Deliberation be offered to this Court, and the proper Time for weighing and considering them, and giving each their due Weight, can by this Court be allowed; wherefore Relief 15 cannot properly be had at Law in this Case, but in this Court it may be had.

And for that 5^{thly}, where a Confederacy and Combination of Men, is upon a Pretence of Right made, tho' never so groundless; and 20 tho' they know they have not even that very Pretence upon which they claim, as the Defendants and Confederates have combined and confederated in this Case, by reviving and setting up the Pretence aforesaid, and by 25 drawing in great Numbers of People to purchase of them this Pretence as aforesaid; and obtaining great Numbers of Bonds from those People, in such Form as that of N^o 13, of Schedule N^o X. to support that Pretence, 30 and by many other Ways unknown to your Orators, possessing themselves of your Orators Estates; yet there is no adequate Relief at Law against such a Combination and Confederacy; and it's only this Court that can give 35 adequate Relief, by dissolving the said Combination and Confederacy, and otherwise.

And for that 6^{thly}, tho' the Pretence of the Defendants and Confederates, under *Nicholls's* Grant aforesaid, and Indian Deed to 40 *Bailey* aforesaid, be not only void both in Law and Equity, but also none of the Defendants nor Confederates can shew any Chain of Conveyance to them, even of that void Pretence; but if any Title could pass by that 45 void Pretence, it must be in your Orators *Penns* and the Heirs of Governor *Carteret*, as before; yet possibly some of the Defendants and Confederates may have an Equity to intitle them to Grants from your Orators 50 and their fellow Proprietors, for some of the Lands which some of the Defendants and Confederates are possessed of; and particularly, 1st, as *Benjamin Homan*, the 14th Number of Schedule N^o VIII. of the 80 Associates, 55 was an Associate of *Elizabeth Town*, and thereby intitled to have a Warrant, Survey and Patent, for the Number of Acres due to him according to the Concessions, and the Time he came into the Province; and to 60 have Part of that Quantity laid out in a Town

Lot and Pittle of 6 Acres in *Elizabeth Town*, and at least to a first Division of 6 Acres; and a second Division of 12 Acres, near the Town Plat of *Elizabeth Town*, according to the 5 Agreements between Governor *Carteret* and the Inhabitants of *Elizabeth Town* aforesaid; and as the said *Benjamin Homan* was one of the Signers of the Petition to Governor *Carteret*, to have his Lands laid out according to those Agreements between Governor 10 *Carteret* and the Inhabitants, said to be entered in the Town Book; and as Governor *Carteret* gave a Commission to *John Bracket*, for surveying and laying out every Man's particular Allotment; your Orators doubt not 15 but that the aforesaid Town Lot, Pittle, first and second Divisions, were laid out for the said *Benjamin Homan*; and the rather for that sundry Deeds, Surveys or Patents on Record, do mention them as laid out, of which 24 20 Acres at least, together with so much more as with that would amount to the Quantity which the said *Benjamin* was intitled to by the Concessions; your Orators acknowledge he had an Equity to have a Warrant, Survey 25 and Patent for the same, on the customary Quit Rent of a Half-penny sterling per Acre, from the Year 1670; and consequently that the Heirs or Assigns of the said *Benjamin Homan* still have that Equity, if by Reason 30 of Absence, Infancy, Coverture, Non sane Memorie, or otherwise, they can excuse themselves from being barred thereof, by the Proclamation of the 11th of December, 1674; and their Neglect ever since, in not applying 35 for such Warrant, Survey and Patent, and paying the Arrears of Quit Rent or otherwise; if which Equity still remains to the Heirs or Assigns of the said *Benjamin Homan*, your Orators are ready to perform it to the said 40 *Benjamin Homan's* Heirs or Assigns, upon Payment of the Arrears of Quit Rents and Interest, from the Year 1670, and securing the future Payment thereof, in such Manner as this Court shall award; but if the Heirs 45 or Assigns of the said *Benjamin Homan* be not debarred of the said Equity, and if they will not accept of the Performance thereof, by your Orators and their fellow Proprietors, your Orators have no Means at Law to fore- 50 close them of that Equity; but they can be foreclosed thereof by the Decree of this Court in this Suit; until which be done, your Orators cannot safely sue at Law, for the Possession of the Lands laid out for the said House 55 Lot and Pittle, first Division and second Division, and the claim of the Heirs or Assigns of the said *Benjamin Homan*, for the Remainder of the Quantity of Acres due by the Concessions to the said *Benjamin*, might 60 remain

remain an Incumbrance upon the Lands remaining in common amongst your Orators; which might be a Hinderance to your Orators dividing the Whole of the said Lands in common amongst your Orators and their fellow Proprietors. 2dly, As *Moses Thompson*, N^o 18; *Joseph Bond*, N^o 22; *Jeffery Jones*, N^o 39, and *Joseph Osburn*, N^o 62, of Schedule, N^o VIII. of the 80 Associates, had Warrants granted to them, for surveying to them the Number of Acres which they were intituled to by the Concessions; and to have Part of those Quantities laid out to them in Town Lots and Pities of six Acres each; and in a first Division of at least six Acres each; and in a second Division of at least twelve Acres each, near the Town Plat of *Elizabeth Town*, according to the Agreements between Governor *Carteret* and the Inhabitants of *Elizabeth Town*; your Orators have Reason to believe, that the Lands in said Warrants mentioned were laid out to them, because they are mentioned to be so in fundry Deeds, Surveys and Patents on Record, to be Part of them, or to be bounding upon Part of them; and yet no Surveys nor Patents do appear upon Record, of the surveying and patenting of the said Lands to whom said Warrants were granted; but your Orators do acknowledge, that the said *Moses Thompson*, *Joseph Bond*, *Jeffery Jones* and *Joseph Osburn*, had an Equity to have Surveys and Patents recorded for the same, on the customary Quit Rent of a *Half-penny* sterling per Acre, from the Year 1670; and consequently that the Heirs or Assigns of the said *Moses Thompson*, *Joseph Bond*, *Jeffery Jones* and *Joseph Osburn*, still have that Equity, if by Reason of Absence, Infancy, Coverture, Non sane Memorie, or otherwise, they can excuse themselves from being barred thereof, by the Proclamation of the 11th of *December*, 1674, and their Neglect ever since, in not applying for such Surveys and Patents, and paying the Arrears of Quit Rent or otherwise; if which Equity still remains to the Heirs or Assigns of the said *Moses Thompson*, *Joseph Bond*, *Jeffery Jones* and *Joseph Osburn*, or to any of them, your Orators are ready to perform it to them, upon Payment of the Arrears of Quit Rents from the Year 1670, with Interest, and securing the future Payment thereof, in such Manner as this Court shall award; but if the Heirs or Assigns of the said *Moses Thompson*, *Joseph Bond*, *Jeffery Jones* and *Joseph Osburn*, be not debarred of the said Equity, and if they will not accept of the Performance thereof, by your Orators and their fellow Proprietors; your Orators have no Means at Law to foreclose them of that Equity; but they can be foreclosed

thereof by the Decree of this Court in this Suit; until which be done, your Orators cannot safely sue at Law, for the Possession of the Lands laid out for the said House Lot and Pities, and first Division and second Division, nor any other Lands laid out on the said Warrants; and the Claim of the Heirs or Assigns of the said *Moses Thompson, Joseph Bond, Jeffery Jones and Joseph Osburn*, for the Remainder of the Lands due by the said Warrants, and not laid out and surveyed, might remain an Incumbrance upon the Lands remaining in common amongst your Orators; which might be a Hinderance to your Orators dividing the Whole of the said Lands in common amongst your Orators and their fellow Proprietors. 3dly, As *Benjamin Ogden, N^o 2; Leonard Headley, N^o 6; Joseph Meeker, N^o 10; Benjamin Meeker, N^o 11; Nathaniel Bonnel, N^o 16; Hurr Thomson, N^o 18; Samuel Marsh, N^o 32; James Haynes, N^o 33; William Johnston, N^o 37; Stephen Osburn, N^o 41; Capt. John Baker, N^o 76*, of the 80 Affocates, in Schedule N^o VIII. had Warrants granted to them, for surveying to them the Quantities of Land therein mentioned, due to them by the Concessions; and have had the Whole, or great Parts thereof, laid out and surveyed to them, as by the Surveys on Record in the Places referred to, in Schedule N^o VIII. but yet no Patents or Grants do appear on Record to them, for the Lands so surveyed to them upon the said Warrants; but your Orators do acknowledge, that the twelve Persons aforesaid, within this third Case, had an Equity to have Patents recorded for the same, on the customary Quit Rent of a *Half-penny sterling per Acre*, from the Year 1670; and also that such Parts of the said Warrants, as were not laid out and surveyed to them, they had an Equity to have Surveys and Patents recorded for the same as aforesaid; and consequently that the Heirs or Assigns of the said twelve Persons in this third Case respectively, still have that Equity, if by Reason of Absence, Infancy, Coverture, Non sane Memorie, or otherwise, they can excuse themselves from being barred thereof, by the Proclamation of the 11th of *December, 1674*, and their Neglect ever since, in not applying for Patents of the Lands so surveyed to them, and for Surveys and Patents for the Remainder of said Warrants not surveyed; and paying the Arrears of Quit Rent, or otherwise; if which Equity still remain to the Heirs or Assigns of the said twelve Persons in this third Case, or to any of them, your Orators are ready to perform it to them, upon Payment of the Arrears of Quit Rent from the Year 1670, and Interest, and securing the future

Payments thereof, in such Manner as this
 Court shall award; but if the Heirs or Assigns
 of the said twelve Persons in this third Case,
 be not debarred of the said Equity, and if they
 5 will not accept of the Performance thereof
 by your Orators and their fellow Proprietors,
 your Orators have no Means at Law to fore-
 close them of that Equity; but they can and
 ought to be foreclosed thereof, by the Decree
 10 of this Court in this Suit; until which be
 done, your Orators cannot safely sue at Law,
 for the Possession of the Lands laid out and
 surveyed to the said twelve Persons in this
 third Case; and the Claim of the Heirs or
 15 Assigns of the said twelve Persons, for the
 Remainder of the Lands due by the said
 Warrants, and not surveyed heretofore, might
 remain an Incumbrance upon the Lands re-
 maining in common amongst your Orators;
 20 which might be a Hinderance to your Orators
 dividing the Whole of the said Lands in com-
 mon amongst your Orators and their fellow
 Proprietors. 4thly, There may, for any Thing
 your Orators do know, have been sundry other
 25 Persons who have been intitled to such Equi-
 ty, as in some of the three Cases aforesaid, and
 possibly some other Way now unknown to
 your Orators; and if there be any such, and
 if their Heirs or Assigns be still intitled to such
 30 Equity, your Orators are ready to perform it
 to them as aforesaid; but if they will not
 accept it, your Orators have no means at Law
 to foreclose them of that Equity; but they
 can and ought to be foreclosed thereof, by
 35 the Decree of this Court in this Suit, that
 such Equity may not remain, as aforesaid, an
 Incumbrance on the Lands remaining in
 common amongst your Orators.

And for that 7thly, as to the remaining 63
 40 of the 80 Associates, who, by Schedule N^o
 VIII. appear to have had Warrants, Surveys
 and Patents for the Lands they were intitled
 to by the Concessions aforesaid, all at the
 customary Quit Rent of a *Half-penny* sterling
 45 *per Acre per Annum*, and upon which Patents
 there's a great Arrear of Quit Rent now due;
 and for Recovery of which Arrears, your
 Orators have no adequate Relief at Law, and
 your Orators can only be relieved therein in
 50 a Course of Equity in this Court, for the Rea-
 sons following, to wit, 1st, The Lands
 granted by each of the said Patents, do con-
 sist of a great Number of small Parcels of
 Land; which Parcels are so uncertainly
 55 bounded, that your Orators have no Means
 to discover their Situation, in order with
 Certainty to distrain upon them for the Quit
 Rents in arrear payable thereout; as in Part
 will be obvious, from N^o 11 and N^o 12, of
 60 Schedule N^o X. hereunto annexed, which

are the Boundaries of the Lands granted by
 two of those Patents; and the Rest, your
 Orators say, do consist commonly of as many
 Parcels, and the Bounds thereof are as uncer-
 tainly described, as those are in those two 5
 Examples. 2dly, Could your Orators discover
 the very Lands, yet the present Possessors deny
 that they hold these Lands by Virtue of these
 Patents, but say they hold them by Virtue of
 the Indian Deed aforesaid to *Baily* and others, 10
 and by *Nicholls's* Grant aforesaid; so that
 should your Orators distrain for the said
 Arrears of Rent, the present Possessors might
 replevy, and put your Orators to avow the
 Distresses, which they might defend by the 15
 said Pretence; so that by this Means 63 A-
 vovries would be made, even if your Orators
 could join in avowry for Rent at Law; but
 as your Orators cannot join in such Action in
 the Realty at Law, it would consequently 20
 require so many Times 63 Avovries at Law
 as there are Proprietors, to have full Relief
 there; wherefore all the Difficulties herein
 before set forth, under the second, third and
 fourth Heads of Equity, would also in this 25
 Case occur, in proceeding at Law for Relief
 for the said Arrears of Rent; whereas the
 Whole, with one Charge, can in this Court
 be determined by this one Suit. 3dly, For
 that the said Patents are granted in the 30
 Name of the Lord Proprietor of the Eastern
 Division of *New-Jersey*, or in the Name
 of the Lords Proprietors, or the Proprietors
 of the Eastern Division of *New-Jersey*,
 and the Quit Rents are reserved payable to 35
 them by these and without any other Names;
 which Names, the Defendants say, are not
Nomina Juris, and therefore the Reservation
 of those Rents was not made to any Person
 in Being, who in Law could thereby take, 40
 and so in Law void; but tho' in strictness of
 Law, those Reservations may, for that Reason,
 be void, yet in Equity they ought not; be-
 cause if the Reservations be void, the Patents
 themselves are void, as being granted by the 45
 same Name; and if so, those Lands remain
 and belong to your Orators at Law in com-
 mon; but your Orators are far from thinking
 of setting up such Pretence, or of disturbing
 the Patentees or their Heirs or Assigns, in the 50
 Possession of any Part thereof, but conceive
 they ought in Equity to enjoy the Lands in-
 tended to be granted by those Patents, and
 if they desire it, and this Court thinks it pro-
 per, your Orators shall be very ready to grant 55
 such farther Confirmations thereof, as may be
 thought needful; but if those Patents be in
 Equity good to grant those Lands, your
 Orators conceive they ought also in Equity
 to be good, for the Recovery of the Rents 60
 reserved;

reserved; by the Grantors, their Heirs and Assigns, which Heirs or Assigns your Orators are, as herein before is set forth, to such Parts as your Orators shew Title to. 4^{thly}, For that as to great Part of those Quit Rents in arrear, your Orators are only Assignees thereof; and tho' such Arrears cannot be at Law assigned, yet they are assignable in Equity; and as to such Arrears as are due to your Orators as Assignees, your Orators are not relievable at Law, and are only relievable in this Court.

And for that 8^{thly}, of the great Number of Persons that came into this Province, during the Continuance of the Bounty or Head Lands by the Concessions, and Continuance thereof, allowed to such Persons, many of them chose to have those Head Lands laid out and patented to them, in the Lands then remaining unappropriated in *Elizabeth Town*; most of which (except the few thereof who are Parties Complainants in this Bill) have of late, since the Verdict in *Schuyler's* Cause aforesaid, entred into the Combination aforesaid, with the Defendants and Confederates, in order to avoid paying to your Orators the Quit Rents reserved by their respective Patents, and upon which Patents there is a great Arrear of Quit Rent now due; and for Recovery of which, your Orators have no adequate Relief at Law; and your Orators can only be relieved therein, in a Course of Equity in this Court, for all the Reasons set forth concerning the Patents to the 63 Associates in the last Case.

And for that 9^{thly}, your Orators have no Means at Law to discover the Number and Value of the Trees cut by the Defendants and Confederates on your Orators Lands, and their Lands in common with the other Proprietors; nor who cut them, nor for whose Use, in order to recover that Value; nor to discover the Profits made by the Defendants and Confederates of your Orators Lands, divided or in common, to which Trees and Profits the Defendants have no Right, either in Law or Equity; but in Equity they ought to render the Value thereof to your Orators to whom it belongs.

And for that 10^{thly}, your Orators have no Relief at Law, to hinder the Defendants from cutting and destroying your Orators Timber, and committing other great Waste and Destruction on your Orators Lands, as they now do daily; but herein your Orators can immediately be relieved, by Injunction from this Court.

And for that 11^{thly}, the Defendants and Confederates had in their Keeping, the Book herein before mentioned, called the *Elizabeth Town Book*, in which were entred all the

Agreements and Regulations made between Governor *Carteret* and the Inhabitants of *Elizabeth Town*, for the Settlement of *Elizabeth Town*, and for the Encouragement of Persons to come and be admitted Associates of *Elizabeth Town* for that Purpose, and sundry other Things herein before mentioned, material in this Cause; which Book your Orators have no Means at Law to compel the Defendants to produce, but they can be compelled to produce it in this Court; and from the Tenor of the Agreements aforesaid, entred in the same Book, your Orators doubt not it will appear, that they were all conformable to and agreeable with the Concessions of the Proprietors aforesaid; and that the said Town of *Elizabeth Town* was settled upon those Agreements, and not under the Pretence of the Indian Deed aforesaid to *Bailey* and others, and *Nicholls's* Grant aforesaid; and that the four first Families (if so many) who settled there before Governor *Carteret's* Arrival, were Parties to, and consenting to those Agreements; by which the Pretence by *Nicholls's* Grant was then by them laid aside, and the Terms of the Concessions by them then agreed to; and your Orators doubt not, but that many other Things will appear by the said Book when produced, to shew, that the Defendants and Confederates well know, that their present Pretence is absolutely void; and for which Reasons, your Orators doubt not, it is, that the Defendants and Confederates give out in Speeches, that the said Book is lost or destroyed, to avoid producing the same.

And for that 12^{thly}, as to the Pretence of the Defendants and Confederates, to the Lands extending from the Line shewn by them to the Jury, on the View in your Orators *Penns* Cause against *Chambers*, tried as before, to *Snake-bill*; and from thence by a North-west Line to extend twice the Length that *Snake-bill* is distant from *Raritan*, first started in the Year 1687, as before, to the great Disquiet of the People of *Newark*, holding under your Orators; and again on the late Trials; your Orators have no Relief at Law against the Defendants and Confederates for making such Pretence, as they pretend it to be in their own Right, tho' the same Pretence tend much to the Disquiet of the People of *Newark*, and others seated within the said Pretence under your Orators, and to the Discredit of your Orators Title to the Lands which they have appropriated and divided to them within the said Pretence, and of your Orators and their fellow Proprietors Title to the Lands remaining in common to them within the said Pretence; but your Orators can have adequate Relief in this Court, by

Payments thereof, in such Manner as this Court shall award; but if the Heirs or Assigns of the said twelve Persons in this third Case, be not debarred of the said Equity, and if they will not accept of the Performance thereof by your Orators and their fellow Proprietors, your Orators have no Means at Law to foreclose them of that Equity; but they can and ought to be foreclosed thereof, by the Decree of this Court in this Suit; until which be done, your Orators cannot safely sue at Law, for the Possession of the Lands laid out and surveyed to the said twelve Persons in this third Case; and the Claim of the Heirs or Assigns of the said twelve Persons, for the Remainder of the Lands due by the said Warrants, and not surveyed heretofore, might remain an Incumbrance upon the Lands remaining in common amongst your Orators; which might be a Hinderance to your Orators dividing the Whole of the said Lands in common amongst your Orators and their fellow Proprietors. 4thly, There may, for any Thing your Orators do know, have been sundry other Persons who have been intitled to such Equity, as in some of the three Cases aforesaid, and possibly some other Way now unknown to your Orators; and if there be any such, and if their Heirs or Assigns be still intitled to such Equity, your Orators are ready to perform it to them as aforesaid; but if they will not accept it, your Orators have no means at Law to foreclose them of that Equity; but they can and ought to be foreclosed thereof, by the Decree of this Court in this Suit, that such Equity may not remain, as aforesaid, an Incumbrance on the Lands remaining in common amongst your Orators.

And for that 7thly, as to the remaining 63 of the 80 Associates, who, by Schedule N^o VIII. appear to have had Warrants, Surveys and Patents for the Lands they were intitled to by the Concessions aforesaid, all at the customary Quit Rent of a *Half-penny* sterling per Acre per Annum, and upon which Patents there's a great Arrear of Quit Rent now due; and for Recovery of which Arrears, your Orators have no adequate Relief at Law, and your Orators can only be relieved therein in a Course of Equity in this Court, for the Reasons following, to wit, 1st, The Lands granted by each of the said Patents, do consist of a great Number of small Parcels of Land; which Parcels are so uncertainly bounded, that your Orators have no Means to discover their Situation, in order with Certainty to distrain upon them for the Quit Rents in arrear payable thereout; as in Part will be obvious, from N^o 11 and N^o 12, of Schedule N^o X. hereunto annexed, which

are the Boundaries of the Lands granted by two of those Patents; and the Rest, your Orators say, do consist commonly of as many Parcels, and the Bounds thereof are as uncertainly described, as those are in those two Examples. 2dly, Could your Orators discover the very Lands, yet the present Possessors deny that they hold these Lands by Virtue of these Patents, but say they hold them by Virtue of the Indian Deed aforesaid to *Baily* and others, and by *Nicholls's* Grant aforesaid; so that should your Orators distrain for the said Arrears of Rent, the present Possessors might replevy, and put your Orators to avow the Distresses, which they might defend by the said Pretence; so that by this Means 63 Avowries would be made, even if your Orators could join in avowry for Rent at Law; but as your Orators cannot join in such Action in the Realty at Law, it would consequently require so many Times 63 Avowries at Law as there are Proprietors, to have full Relief there; wherefore all the Difficulties herein before set forth, under the second, third and fourth Heads of Equity, would also in this Case occur, in proceeding at Law for Relief for the said Arrears of Rent; whereas the Whole, with one Charge, can in this Court be determined by this one Suit. 3dly, For that the said Patents are granted in the Name of the Lord Proprietor of the Eastern Division of *New-Jersey*, or in the Name of the Lords Proprietors, or the Proprietors of the Eastern Division of *New-Jersey*, and the Quit Rents are reserved payable to them by these and without any other Names; which Names, the Defendants say, are not *Nomina Juris*, and therefore the Reservation of those Rents was not made to any Person in Being, who in Law could thereby take, and so in Law void; but tho' in strictness of Law, those Reservations may, for that Reason, be void, yet in Equity they ought not; because if the Reservations be void, the Patents themselves are void, as being granted by the same Name; and if so, those Lands remain and belong to your Orators at Law in common; but your Orators are far from thinking of setting up such Pretence, or of disturbing the Patentees or their Heirs or Assigns, in the Possession of any Part thereof, but conceive they ought in Equity to enjoy the Lands intended to be granted by those Patents, and if they desire it, and this Court thinks it proper, your Orators shall be very ready to grant such farther Confirmations thereof, as may be thought needful; but if those Patents be in Equity good to grant those Lands, your Orators conceive they ought also in Equity to be good, for the Recovery of the Rents reserved;

reserved; by the Grantors, their Heirs and Assigns, which Heirs or Assigns your Orators are, as herein before is set forth, to such Parts as your Orators shew Title to. 4^{thly}, For that as to great Part of those Quit Rents in arrear, your Orators are only Assignees thereof; and tho' such Arrears cannot be at Law assigned, yet they are assignable in Equity; and as to such Arrears as are due to your Orators as Assignees, your Orators are not relievable at Law, and are only relievable in this Court.

And for that 8^{thly}, of the great Number of Persons that came into this Province, during the Continuance of the Bounty or Head Lands by the Concessions, and Continuance thereof, allowed to such Persons, many of them chose to have those Head Lands laid out and patented to them, in the Lands then remaining unappropriated in *Elizabeth Town*; most of which (except the few thereof who are Parties Complainants in this Bill) have of late, since the Verdict in *Schuyler's* Cause aforesaid, entred into the Combination aforesaid, with the Defendants and Confederates, in order to avoid paying to your Orators the Quit Rents reserved by their respective Patents, and upon which Patents there is a great Arrear of Quit Rent now due; and for Recovery of which, your Orators have no adequate Relief at Law; and your Orators can only be relieved therein, in a Course of Equity in this Court, for all the Reasons set forth concerning the Patents to the 63 Associates in the last Case.

And for that 9^{thly}, your Orators have no Means at Law to discover the Number and Value of the Trees cut by the Defendants and Confederates on your Orators Lands, and their Lands in common with the other Proprietors; nor who cut them, nor for whose Use, in order to recover that Value; nor to discover the Profits made by the Defendants and Confederates of your Orators Lands, divided or in common, to which Trees and Profits the Defendants have no Right, either in Law or Equity; but in Equity they ought to render the Value thereof to your Orators to whom it belongs.

And for that 10^{thly}, your Orators have no Relief at Law, to hinder the Defendants from cutting and destroying your Orators Timber, and committing other great Waste and Destruction on your Orators Lands, as they now do daily; but herein your Orators can immediately be relieved, by Injunction from this Court.

And for that 11^{thly}, the Defendants and Confederates had in their Keeping, the Book herein before mentioned, called the *Elizabeth Town Book*, in which were entred all the

Agreements and Regulations made between Governor *Carteret* and the Inhabitants of *Elizabeth Town*, for the Settlement of *Elizabeth Town*, and for the Encouragement of Persons to come and be admitted Associates of *Elizabeth Town* for that Purpose, and sundry other Things herein before mentioned, material in this Cause; which Book your Orators have no Means at Law to compel the Defendants to produce, but they can be compelled to produce it in this Court; and from the Tenor of the Agreements aforesaid, entred in the same Book, your Orators doubt not it will appear, that they were all conformable to and agreeable with the Concessions of the Proprietors aforesaid; and that the said Town of *Elizabeth Town* was settled upon those Agreements, and not under the Pretence of the Indian Deed aforesaid to *Bailey* and others, and *Nicholls's* Grant aforesaid; and that the four first Families (if so many) who settled there before Governor *Carteret's* Arrival, were Parties to, and consenting to those Agreements; by which the Pretence by *Nicholls's* Grant was then by them laid aside, and the Terms of the Concessions by them then agreed to; and your Orators doubt not, but that many other Things will appear by the said Book when produced, to shew, that the Defendants and Confederates well know, that their present Pretence is absolutely void; and for which Reasons, your Orators doubt not, it is, that the Defendants and Confederates give out in Speeches, that the said Book is lost or destroyed, to avoid producing the same.

And for that 12^{thly}, as to the Pretence of the Defendants and Confederates, to the Lands extending from the Line shewn by them to the Jury, on the View in your Orators *Penns* Cause against *Chambers*, tried as before, to *Snake-bill*; and from thence by a North-west Line to extend twice the Length that *Snake-bill* is distant from *Raritan*, first started in the Year 1687, as before, to the great Disquiet of the People of *Newark*, holding under your Orators; and again on the late Trials; your Orators have no Relief at Law against the Defendants and Confederates for making such Pretence, as they pretend it to be in their own Right, tho' the same Pretence tend much to the Disquiet of the People of *Newark*, and others seated within the said Pretence under your Orators, and to the Discredit of your Orators Title to the Lands which they have appropriated and divided to them within the said Pretence, and of your Orators and their fellow Proprietors Title to the Lands remaining in common to them within the said Pretence; but your Orators can have adequate Relief in this Court, by

by a perpetual Injunction against the same Pretence.

And for that 13^{thly}, in some of the Cases
aforesaid, for your Orators to have Relief at
5 Law, your Orators should be obliged to sever
in their Remedies, which would create a vast
Multiplicity of Suits; in some others Relief
is not to be had at Law, unless not only your
Orators Proprietors, but also all the rest of
10 the General Proprietors, Tenants in common
with your Orators Proprietors, should join in
the Action; and as they are so numerous,
some in *Great-Britain*, some in *Ireland*, and
in other Places unknown to your Orators,
15 and their Persons even unknown; 'tis im-
possible, in the Nature of Things, that all could
be procured to join; and if all were joined,
yet by the Death of some of them, the Action
would be often abated; whereas such Rules
20 do not take Place in this Court, especially
where the Impossibility of observing them
appears, as here; but where a joint Action is
given at Law to a great Number, this Court
permits Part of them to whom the Action is
25 given, to sue in their own Names, in behalf
of themselves and the rest of the Persons in
general, to whom such joint Action is given
at Law; and so where an Action lies at Law
against a great Number of Persons, it has been
30 held sufficient in this Court, to make some
of the Managers for the rest, Parties.

And for that 14^{thly}, many of your Orators
Witnesses, who could prove the Truth of
the Premises, are old and infirm, and not like
35 long to live, whose Testimony your Orators
ought in Equity to have perpetuated; to do
which your Orators have no Means at Law
but in this Court.

And for that 15^{thly}, many others of your
40 Orators Witnesses, which could prove the
Truth of the Premises, are either dead, or
gone beyond the Seas, or into Places remote
and unknown to your Orators, or have pur-
chased Part of the Defendants Pretence, and
45 entred into the Combination aforesaid.

TO THE END THEREFORE, that the said
Defendants and Confederates, and every of
them, may, upon their corporal Oaths, as fully
answer all and singular the Matters herein be-
50 fore set forth, as if the same were here again
repeated and particularly interrogated; and
what thereof they or either of them do admit,
what they or either of them do know, have
heard, or do believe, to the Purpose of every
55 Matter before set forth; what thereof they do
deny, and their Reasons for believing or deny-
ing; and more particularly, that they answer
and set forth, whether the 80 Persons in the
Depositions of *Jeremiah Osburn* and *Richard*
60 *Clarke* annexed, and mentioned in Schedule,

N^o VIII. annexed, were not the Associates of
Elizabeth Town; and whether any, and what
other Persons were so; and when and how
had any, and which of them the said Associ-
ates, other than *Philip Carteret* the Governor, 5
Luke Watson, *John Ogden* and Capt. *John*
Baker, any Claim or Pretence, by, from or
under the said Indian Deed to *Bailey*, *Watson*
and *Denton*, and the said Grant from Gover-
nor *Nicholls*, and each of these Pretences, or 10
either of them; what claim or Pretence had
each of them to both or either of them, and
which of them; by what Conveyances, or
other Means, became they, or any, and which
of them, intitled to that Claim or Pretence, 15
with the Date of each such Conveyance,
Grantor and Grantee, and where recorded;
and if not recorded, then, before whom and
when proved or acknowledged; how many
Christian Families were settled within the 20
Bounds of the said Grant from *Nicholls*, be-
fore the Arrival of Governor *Carteret*, and his
calling the Place he settled at by the Name of
Elizabeth Town, and who were those Families;
was that Place ever called *Elizabeth Town* 25
before his coming or settling there; who
were the Persons by Name, that in or about
the Year 1699 aforesaid, during the Time
called *The Revolution in New-Jersey*, did
associate together, to make a Partition or 30
Allotment of Lands amongst them in *Eliza-*
beth Town; what Persons by Name had Lands
then allotted to them, where, with Quan-
tities, Date, and by whom allotted, surveyed
and laid out; under which Associates did 35
each of them claim the Right to make and
have such Allotments; by what Conveyances,
(with Dates and Names of Grantors and
Grantees, and Thing granted) or other
Means, did they make such Claim; were 40
there ever any, and what (if any) Allotments
or Divisions of Lands in *Elizabeth Town*,
before the said Revolution in *New-Jersey*,
other than the home Lot and Pittle in the
Town Plat, and a first Division and a second 45
Division of the Quantities herein before set
forth, before the Year 1672, when Soil and
Government was claimed as aforesaid; and
other than what were laid out and surveyed
after the Year 1674, by Virtue of Warrants 50
from the Governors for the Time being, pur-
suant to the Concessions and Continuances
thereof; were not the said Allotments and
Divisions of home Lot and Pittle, and first
Division and second Division, all made by 55
Agreements with, and Consent of Governor
Carteret aforesaid, and laid out by his Order;
or how otherwise, and when were they made
and laid out; was it any Part of those Agree-
ments, that they should hold those Lands by 60
Virtue

Virtue of the Indian Deed to *Bailey* and others, and *Nicholls's* Grant aforesaid, or either; and which of them, and without any Rent or Consideration to the Proprietors; and whether those Agreements were not entered in a Book in the keeping of the Inhabitants of *Elizabeth-Town*, who had been admitted Parties to the said Agreements; that the Defendants either set forth the whole Contents of these Agreements, or give your Orators Copies thereof, and produce and bring in the said Book to this Court, that your Orators may have the Perusal and Inspection thereof; whether any and what Thing or Things, Act or Acts, Deed or Deeds, did constitute or make an Associate of *Elizabeth-Town*, other than Governor *Carteret's* agreeing with the People he brought with him, and with the first four Families, if so many, settled before he came to settle a Town at the Place which he called *Elizabeth-Town*, and upon the Method of Division of the Town Lots of that Town, and the Lands next adjoining, by first, second and third Lot Rights; and whether any, and who more, were at first Parties to these Agreements; and what were the Names of the Parties to those Agreements; and whether these Agreements and all others concerning the planting of *Elizabeth Town*, and particularly the Act of the 30th April, 1666, herein before mentioned, for that Purpose, were not all entered in the said first *Elizabeth Town* Book, called by them a Record; and whether the being admitted an Inhabitant, and into an equal Benefit of those Agreements, either as a first, second or third Lot Right Man, with the Consent of the Governor, and of those of the other Parties to the said Agreements who would meet in a Town-meeting on Notice from the Governor for that Purpose, and an Entry in said Book of such his Admission, was not the Thing that constituted those who came after the making the said Agreements, an Associate of *Elizabeth Town*; or what else did constitute or make him so; and who were they by Name who so came afterwards and became Associates, or how otherwise did those who so came after become Associates.--- Did *John Bracket* lay out the Bounds of *Elizabeth-Town*, pursuant to the Commission granted to him for that Purpose, herein before mentioned? Where were those Bounds so laid out by him pursuant to that Commission? and if not actually laid out, then where were they directed or agreed to be laid out? was there ever any and what Direction by, or Agreement with, Governor *Carteret*, how far those Bounds should extend from the Town Plat of the Home Lots and Pities of *Elizabeth Town*?

whether such Direction or Agreement was not entered in the *Elizabeth Town* Book aforesaid? what were the Contents thereof? were not the Persons to whom the Surveys in Schedule, N^o IX. were made, mostly Inhabitants of *Elizabeth Town*? which of them by Name were not Inhabitants? were not these Surveys made to such as were not Inhabitants, made at the Request or for the Use of Inhabitants of *Elizabeth Town*? and have not Inhabitants of *Elizabeth Town* since purchased those Lands so surveyed, in the Name of such Persons as were not Inhabitants? Whether *John Herriman*, in the Schedule, N^o IX. often mentioned, was not the same Person who laid out what was called the *Clinker Lots* of *Elizabeth Town*, during the Revolution aforesaid, in *New-Jersey*? and was not he the Son of *John Herriman*, who was Minister of the Gospel at *Elizabeth Town*, during the said Revolution?

That the Defendants and Confederates do affix to their Answer to this Bill, a Schedule containing a List of all the Deeds and Conveyances before the Revolution aforesaid in *New-Jersey*, by which its pretended, that a Right under *Nicholls's* Grant and Indian Deed to *Bailey* and others, was granted or convey'd, or pretended to be so, by or under the said eighty Associates, or any other Person whatsoever, with Grantor, Grantee, Date, &c. and that they produce them to this Court; if the Defendants do pretend that there were any such Deeds, which your Orators believe there was not.

That the Defendants and Confederates do affix to their Answer to this Bill, another Schedule, containing a List of all the Deeds and Conveyances, if any such there were, during and after the said Revolution, until the Verdict in *Schuyler's* Cause aforesaid, by which its pretended, that a Right under *Nicholls's* Grant and Indian Deed to *Bailey* and others, was granted or conveyed, or pretended to be so, by or under the said eighty Associates, or any other Person whatsoever, with Grantor, Grantee, Date, &c. and that they produce them to this Court.

That the Defendants and Confederates do affix to their Answer to this Bill, another Schedule, containing a List of all the Deeds and Conveyances after the said Verdict in *Schuyler's* Cause, if any such there be, by which its pretended that a Right under *Nicholls's* Grant and Indian Deed to *Bailey* and others, was granted or conveyed, or pretended to be so, by or under the said eighty Associates, or any other Person whatsoever, with Grantor, Grantee, Date, &c. That each of the said Schedules do shew how the Grantors, and every

every of them became intitled to what they so granted: That the said Schedules do, to every Deed, point out the Words therein by which they pretend a Right under *Nicholls's* Grant aforesaid and Indian Deed to *Bailey*, was granted or convey'd; and, where several Deeds are in the same Words, refer to the first Deed which has those Words, for Brevity; and that they number the same Conveyances, 10 for easier Reference thereto.

That the Defendants and Confederates discover and set forth, whether they now have, and how long have they had a Number of Men whom they call, *Committee Men* of *Elizabeth Town*; how came they by the Name of *Committee Men* of *Elizabeth Town*; what where the Christian Names and Surnames, from the Beginning to this Time, of those who were *Committee Men*, with the 20 Times of their being such; which of them are now alive and which dead; what Authorities or Powers were these *Committee Men* vested with; by what Instruments in Writing, and what were the Tenor and Dates of those 25 Instruments; who executed each of those Instruments, and when; what Pretence of Right had the Persons executing those Instruments under *Nicholls's* Grant aforesaid, and the Deed aforesaid from the Indians to *Bailey* 30 and others; and point to the Numbers in the Schedules of Conveyances aforesaid, by which they pretend to that Right; what Surveys of Lands have the said *Committee Men*, or any of them, made, or caused to be 35 made, and when; and the whole Transactions of the said *Committee Men*, in making, or causing, or ordering of Surveys of Land to be made; and that they produce and give to your Orators, Copies of all such Surveys, and 40 Orders for such Surveys; and set forth the present Tenants in Possession thereof, and by what Pretence they are so: That they discover and set forth in a Schedule to their Answer annexed, a List of all Deeds of Sale of 45 Lands granted by the said *Committee Men*, or either of them, for any certain or located Lands, with Names of the Grantors, Grantees, Dates, Considerations, Quantities granted, and Situation; and how much of the 50 Consideration Money has been paid, when, and to whom; who are now the Tenants in Possession thereof, and by what Pretence they are so: That they in like Manner discover and set forth in a Schedule, to their 55 Answer annexed, a List of all Leases for Lives, or Term of Years, granted by the said *Committee Men*, or either of them, for any certain or located Lands, with Names of the Grantors, Lessees, Dates, Quantities demised, and Situation; with the yearly and all

other Rents reserved, and other Considerations for such Leases; and how much of these Rents and Considerations have been paid, when, and to whom; who are now the Tenants in Possession thereof, and by what Pretence they are so: That they in like Manner discover and set forth, in a Schedule to their Answer annexed, a List of all Deeds of Sale of Lands granted by the said *Committee Men*, or either of them, for Lands afterwards 10 to be located, with the Names of the Grantors, Grantees, Dates, Considerations, Quantities granted; and what, if any, Limitations to the Situation; and how much of the Consideration Monies have been paid, when, 15 and to whom; and where were these Lands afterwards located or survey'd, or laid out, by whom and when; and that they produce them, and give your Orators Copies thereof; and who are now the Tenants in Possession 20 thereof, and by what Pretence they are so.

That the Defendants and Confederates do discover and set forth, whether any other Persons, and who other than the said *Committee Men*, have made any, and what Surveys, Deeds or Leases of Lands located or unlocated, under Pretence or Colour of *Nicholls's* Grant aforesaid, or Deed to *Bailey* and others; and how those Persons convey to themselves that Pretence, with Lists of the 30 same Surveys, Deeds and Leases, Consideration and Payment thereof, when, and to whom; in like Manner as is demanded of the said *Committee Men*; and who are now the Tenants in Possession thereof, and by 35 what Pretence they are so.

That the Defendants do set forth and discover, what Bonds and other Instruments or Agreements the Defendants and Confederates, and every of them, have entered into, 40 agreed to, or executed or received, for supporting the Pretence under *Nicholls's* Grant aforesaid, and Indian Deed to *Bailey* and others aforesaid, with the Dates, Names of Obligors and Obligees, Penalties and Conditions; 45 Names of Contractors, Contractees, Covenantors, Covenantees, with the Purport and Dates of such Contracts, Covenants or Agreements; whether any Bonds, in the Form of N^o 13, of Schedule N^o X. were procured or granted; by whom, to whom, when 50 and for what Sums; and of what other Form were any other Bonds for the Purpose aforesaid: And that the Defendants affix Schedules to their Answer, of the different Forms 55 of Bonds, Obligations, Promises, Contracts, Covenants and Agreements; with the Names of Grantors, Grantees, Dates, Penalties, Conditions, and Things contracted, agreed, covenanted or promised in each particular Form; 60 with

with the Monies received by Colour of every of them, when and by whom.

That the Defendants do discover, whether all the Committee Men, and Managers for the Pretence aforesaid, of the Clinker-Lot-Right-Men aforesaid, now alive, be not now, in this Bill, named as Parties Defendants; and if any past or present Committee Men, or Managers, be not so named herein, that then the Defendants discover their Names, Surnames, and Places of Abode, in order to be made Parties to this Bill, with apt Words to charge them.

That the Defendants and Confederates do discover and set forth, whether a Home-Lot and Pitle, a first Division and a second Division in *Elizabeth Town*, were not laid out, survey'd or located for the said *Benjamin Homan*; and whether any more was survey'd or located for him; in what Place and Places were these survey'd and laid out for him, and the Boundaries thereof; who are now the Tenants in Possession thereof, and by what Pretence of Title do they possess the same, or any Part thereof; and who are the Heirs of the said *Benjamin Homan*, with their Descent and Relation to him; or who are the Assigns of the said *Benjamin Homan*, by Deeds or Conveyances from himself or his Heirs; who were, are, or may be intitled to Grants of what the said *Benjamin* was intitled to, in Equity, by the Concessions aforesaid; and how many Acres was he intitled to by the said Concessions; and what Reason have they, why they should not be foreclosed of the Equity which the said *Benjamin* and his Heirs had to a Grant pursuant to the said Concessions.

That the Defendants and Confederates do discover and set forth, whether a Home-Lot and Pitle, a first Division and a second Division in *Elizabeth Town*, were not laid out, survey'd or located to, and for each of them the said *Moses Thompson, Joseph Bond, Jeffery Jones, and Joseph Osburn*; and whether any more was survey'd or located for them or either of them, by Virtue of the Warrants to them referred to in Schedule N^o VIII. in which Place and Places were these survey'd and laid out for them or either of them, and the Boundaries thereof; who are now the Tenants in Possession thereof, and by what Pretence of Title do they respectively possess the same, or any Part thereof; and who are the respective Heirs of the said *Moses Thompson, Joseph Bond, Jeffery Jones and Joseph Osborn*, with their Descents and Relation to them respectively; or who are their Assigns by Deeds or Conveyances from themselves or their Heirs respectively; who were, are, or

may be intitled to Grants of what the said *Moses Thompson, Joseph Bond, Jeffery Jones and Joseph Osborn*, were respectively intitled to in Equity, by the Concessions aforesaid; and what Reason have they and every of them, why they should not be foreclosed of the Equity which the said *Moses Thompson, Joseph Bond, Jeffery Jones and Joseph Osborn*, and their Heirs respectively, had to Grants pursuant to the said Concessions,

That the Defendants and Confederates do discover and set forth, the Situation of the Lands surveyed or laid out for the said *Benjamin Ogden, Leonard Headly, Joseph Meeker, Benjamin Meeker, Nathaniel Bonnel, Hur Thompson, Samuel Marsh, James Haynes, William Johnston, Stephen Osborn, and Capt. John Baker*, as by the Surveys to them referred to in Schedule N^o VIII. annexed; and whether any other Lands were surveyed to them, or any of them, upon their Warrants in the same Schedule N^o VIII. referred to, and Situation thereof; and whether the said Persons, or any of them, obtained Grants or Patents for the Land so surveyed, or any of them; and if they have, that they produce them; who are now the Tenants in Possession thereof, and of every Part and Parcel thereof, and by what Pretence of Title do they possess the same, or any Part thereof; and who are the Heirs of the said Twelve Persons respectively, with their Descents and Relation to them respectively; or who are their Assigns by Deeds or Conveyances from themselves or their Heirs respectively; who were, are, or may be entitled to Grants of what was so surveyed to the said twelve Persons, or remains to be surveyed to them; and what Reasons have they, and every of the said Heirs and Assigns, why they should not be foreclosed of the Equity which the said twelve Persons, and their Heirs respectively, had to Grants pursuant to the said Concessions.

That the Defendants and Confederates do discover and set forth, the Situation of the Lands surveyed and patented to the remaining Sixty-three of the said Eighty Associates of *Elizabeth Town*, by the Surveys and Patents referred to in the said Schedule N^o VIII. annexed; and whether any other Lands were surveyed or patented to them, or any of them; who are now the Tenants in Possession thereof, and of every Part and Parcel thereof; and by what Pretence of Title do they possess the same, or any Part thereof; and who are the Heirs or Assigns of the said Sixty-three Persons, by Deeds or Conveyances from themselves or their Heirs respectively; who are now intitled to the said Lands by Virtue of the said Patents; if the Possessors be the Heirs

Heirs or Assigns of the said Patentees; that they shew, if they can, Reasons why they should not pay the Rents due and in arrear, reserved by the said Patents, with Interest; 5 and what Parts thereof, if any, when and to whom, have been paid; and if the Possessors be not the Heirs or Assigns of the said Patentees, that they shew Cause, if they can, why they should not quit the Possession thereof to the said Heirs and Assigns, and account to 10 them for the Issues and Profits thereof, in order to enable them to pay to your Orators, the Quit-Rents due, and to grow due to your Orators, and their fellow Proprietors; or to 15 the Receiver General, by them for that Purpose appointed, or to be appointed and qualified for that Purpose.

That the Defendants and Confederates do discover and set forth, the Situation of all 20 other Lands surveyed and patented in Right of Head-Lands, within the Pretence of the Defendants and Confederates, and particularly those referred to in Schedule N^o XII. annexed; and whether any other Lands have 25 been surveyed to any Person in Right of Head-Lands, for which no Patent has been obtained, and the Situation thereof; who are now the Tenants in Possession of those other Lands surveyed and patented, and of 30 those other Lands only surveyed, and of every Part and Parcel thereof; and by what Pretence of Title do they possess the same, or any Part thereof; and who are the Heirs or Assigns of the Persons to whom such other 35 Lands were surveyed and patented, or surveyed only, by Deeds or Conveyances from themselves or their Heirs; who are now intitled to the said Lands by Virtue of the said Patents; and if the Possessors be the Heirs or 40 Assigns of the said Patentees, that they shew Cause, if they can, why they should not pay the Rents due and in arrear, reserved by the said Patents, with Interest; and what Parts thereof, if any, when and to whom, have 45 been paid; and if such Possessors be not the Heirs or Assigns of such Patentees, that they shew Cause, if they can, why they should not quit the Possession thereof to the said Heirs and Assigns, and account to them for 50 the Issues and Profits thereof, in order to enable them to pay your Orators the Quit-Rents due, and to grow due to your Orators and their fellow Proprietors aforesaid: And as to the Possessors of such Lands which have only 55 been surveyed and not patented, in Right of Head-Lands, that they shew Cause, if they can, why they should not avoid the Possession thereof, and account to your Orators, who are Proprietors, for the Issues and Profits thereof: And as to the Heirs or Assigns of the

Persons who had Lands only surveyed and not patented, in Right of Head-Lands, that they shew Cause, if they can, why they should not be foreclosed of the Equity which such Persons had to Patents for the same. 5

That the Defendants and Confederates do discover and set forth, whether under the Defendants Pretence there be any, and what, Tenants in Possession, and who, of the Tracts surveyed and appropriated to your Orators, 10 or Persons under whom they claim, and to their fellow Proprietors, and Persons claiming under them, appearing by the Surveys referred to in Schedule N^o III. annexed, and the Situation thereof appearing by Map N^o III. 15 annexed; and what are the Names and Sir-Names of each particular Person in Possession (under the Defendants Pretence) of any, every, and of which of the Tracts in Schedule N^o III. aforesaid mentioned; whether by 20 Deeds of Purchase from the said Committee of *Elizabeth Town*, or who else; or by Leases from the said Committee, or who else; and that they point out what Numbers those Deeds or Leases are, of the Schedules of Deeds before demanded to be affixed to the Defendants Answer. 25

That in like Manner the Defendants and Confederates do discover and set forth, whether under the Defendants Pretence there be 30 any, and who, Tenants in Possession of the Lands remaining to your Orators, and their fellow Proprietors, in common, between and amongst the Tracts surveyed and appropriated, appearing by Schedule N^o III. and 35 Map N^o III. and between and amongst the Lands appearing to be appropriated by the Patents, in Right of Head-Lands referred to in Schedules N^o VIII. and N^o XII. and Surveys on Rights of Propriety appearing by 40 Schedule N^o IX. annexed, with the Names and Sir-Names of every of such Tenants in Possession, and the Situation of the Lands he is possess'd of; and whether he is possess'd by Deeds of Purchase from the said Committee 45 of *Elizabeth Town*, or who else; or by Leases from the said Committee, or who else; and that they point out what Numbers those Deeds or Leases are, of the Schedules of Deeds before demanded. 50

That all and every of the Defendants and Confederates, who now are, or at any Time heretofore have been Tenants in Possession of any Part of the Lands in Question, under the Defendants Pretence, do discover and 55 set forth, what Number of Trees they have cut on the said Lands; the Kinds of Trees, whether Black-Oak, White-Oak, Hickory, Walnut, Chesnut, White-Wood, or any other Kind whatsoever; when, the Diameters 60 of

of each to the best of their Knowledge, and
 Value thereof; and that they add to each
 Kind, that no more than what they have set
 forth, were ever cut on those Lands by the
 Respondent, or his Order, or with his Con-
 sent, or Privy, to the best of his Knowledge;
 and who else have cut such Timber thereon
 without his Consent and Privy, when and
 how much. That the said Tenants in Pos-
 session now, or at any Time heretofore, do
 discover and set forth, how many Yeats he
 has been possessed of those Lands; how many
 Acres each Year had he in Wheat, Indian-
 Corn, Rye, Oats, Pease, Flax, Hemp, and
 other Grains respectively; and how many
 Bushels per Acre each Year was thereby
 yielded; what Number of Horses, Cows,
 Oxen, Sheep, and other Creatures, were by
 them yearly, and each Year, grazed and fed
 thereon; how many Loads of Hay were cut
 thereon by such Tenant, or by his Order, or
 with his Consent and Privy; and also what
 Wrecks, Waifs, Strays, Deodands, and o-
 ther Royalties have come to the Hands of the
 Defendants and Confederates, or any of them;
 and that they shew Cause, if they can, why
 they should not account to your Orators, who
 are Proprietors, and their Fellow-Proprietors
 for all the Profits aforesaid made of the Tim-
 ber, Grain, Grazing, Hay, Waifs, Wrecks,
 Strays and Deodands, upon the Lands remain-
 ing in common among your Orators, which
 almost all are that are not granted by the Pa-
 tents referred to in Schedule N^o VIII. and
 XII. aforesaid, and appropriated by the Sur-
 veys in Schedule N^o III. and IX. aforesaid;
 and that they shew Cause, if they can, why
 they should not account to your Orators and
 their Fellow-Proprietors, and Persons claim-
 ing under them, Owners of the Tracts ap-
 pearing to be surveyed and appropriated by
 Schedules N^o III. and IX. and appearing to
 be patented by Schedules N^o VIII. and XII.
 for all the Profits aforesaid made of the Tim-
 ber, Grain, Grazing, and Hay aforesaid, up-
 on those Lands respectively, to the respective
 Owners; and of the Waifs, Wrecks, Strays,
 Deodands, and other Royalties to your Ora-
 tors, who are Proprietors, and their Fellow-
 Proprietors: Whether the Defendants and
 Confederates do or will admit the Deposi-
 tions of *John Worth*, *Jeremiah Osburn*, *Ebe-
 nezer Lindley*, *Jonathan Tichenor* and *Jo-
 seph Harrison*, whereof Copies are in Schedule
 N^o X. annexed, to be of as much Force in
 this Cause, as if these Depositions had been
 taken in due Form by the Authority of this
 Court, upon your Orators admitting the De-
 position of *Richard Clarke* in the same Man-
 ner; and if they do not, then what Reason

have they, why they do not so admit them?
 Whether they do admit or believe the Certi-
 ficates and Depositions of *John Treat* and
Samuel Edsal, whereof Copies are in Schedule
 N^o X. annexed, to be genuine, and that they
 so certified and deposed respectively, as those
 Certificates and Depositions do purport, or
 why they do not admit or believe the same.

AND TO THE END that by the Decree 10
 of this Court, it may be adjudged and decreed,
 1st. That the said Deed from *Mattano*, the
 Indian, to *Bailey* and others, and Grant from
Nicholls aforesaid, were absolutely void, and
 of no Effect in Law at the making thereof, 15
 as neither of the Grantors had any Thing in
 the Lands in Question, as aforesaid, at the
 making thereof.

2^{dly}, That the same Deed and Grant were
 also void in Equity at the making thereof, 20
 as to Lord *Berkley* and Sir *George Carteret*,
bona fide prior Purchasers, as aforesaid.

3^{dly}, That as to any Equity they could give
 against Governor *Nicholls*, and the Duke of *York*,
 the Grantees had full and over Compensation 25
 for the same, as herein before is set forth.

4^{thly}, That as to the Claim of the Defen-
 dents and Confederates, under the said Deed
 from *Mattano*, and Grant from *Nicholls*, it
 is not only void as aforesaid, both in Law 30
 and Equity, but also fraudulent and iniqui-
 tous for the Reasons herein before set forth.

5^{thly}, That all Deeds, Grants, Convey-
 ances, and Leases to, by, from or under the
 Defendants and Confederates, and every Per- 35
 son under whom they claim any Part of the
 Lands in Question, by Virtue of the said
 Deed from *Mattano* to *Bailey* and others, and
 Grant from *Nicholls* aforesaid, after the Com-
 pensation aforesaid for the Equity, aforesaid, 40
 are not only absolutely void, but the Claim-
 ing by them is fraudulent and iniquitous.

6^{thly}, That the Confederacy and Comb-
 ination of the Defendants and Confederates
 aforesaid, to support the said Pretence, was 45
 and is unlawful, iniquitous, and fraudulent,
 and that therefore it be dissolved. And in
 order to render that Dissolution effectual, that
 it be adjudged and decreed, 1st. That all
 Bonds, Bills, Contracts, Agreements and Pro- 50
 mises whatsoever, given or made, or to be
 given or made for supporting the said Confe-
 deracy and Combination, be declared void
 and of none Effect. And 2^{dly}. That all Mo-
 nies whatsoever, by the Defendants and Con- 55
 federates or any of them, received or to be
 received, by Colour of Sales or Leases of any
 Part of the Lands in Question, on the said
 Pretence, be by them brought into this Court,
 and lodged with one of the Masters thereof, 60

to be accounted for to the Person who paid the same, or whose Money it was, upon his accounting with your Orators for the Issues and Profits by him made of your Orators Lands, under Colour of the said Deeds and Leases. And 3^{dly}, That it be declared lawful and equitable for every Person who hath paid, or shall pay any Monies to any Person upon any of the said Bonds, Bills, Contracts, Agreements and Promises whatsoever, made or given, or to be made or given for supporting the said Pretence of the Defendants and Confederates, to ask, demand, and receive the same back; and upon Refusal, to sue for the same as Monies received to his Use. 7^{thly}, That the Defendants and Confederates, and all claiming under the Pretence aforesaid, do avoid and quit what Possession they, or any of them have, of any Part of the Lands in Question, by Virtue, or under Colour of the said Pretence; and by perpetual Injunction, be debarred from claiming or possessing any of the Lands in Question, by Virtue or under Colour of the said Pretence, and from pretending to the Lands to the Northward of the Lands in Question, as far as Snake-Hill; and to extend from thence, by a Northwest Line, twice the Length that Snake-Hill is distant from Rariton, by Virtue or under Colour of the said Pretence: and that your Orators and their Fellow-Proprietors, and Persons claiming under them, be quieted in the Possession and Enjoyment of the same. 8^{thly}, That the Heirs and Assigns of the said Benjamin Homan, Moses Thompson, Joseph Bond, Jeffery Jones, Joseph Osburn, Benjamin Ogden, Leonard Headly, Joseph Meeker, Benjamin Meeker, Nathaniel Bonnel, Hur Thompson, Samuel Marsh, James Haynes, William Johnston, Stephen Osburn, and Capt. John Baker, and the Heirs and Assigns of all others who had Warrants or Surveys in Right of Head-Lands, but no Grants or Patents for the same Lands, be declared and adjudged to be absolutely foreclosed of all Equity which the said Persons had to Grants or Patents for the Lands which they had Warrants, or Warrants and Surveys for, as aforesaid, unless they shew sufficient Cause to this Court, that they are not already debarred of that Equity for some Cause as aforesaid, and (in Case such Cause be shewed) unless within a Time by this Court to be prefixed, the same Heirs or Assigns do bring into Court, for your Orators Use, the Arrears of Quit-Rent at a Half-penny Sterling per Acre, from the 25th Day of March 1670, aforesaid, with lawful Interest, since the same ought to have been paid, and accept of Grants from your Orators for the

said Lands in such Form as this Court shall award; upon Failure whereof, that they avoid and quit the Possession of the said Lands, to be enjoyed by your Orators and other their Fellow-Proprietors in common, as other their Lands in common; and account to your Orators and their Fellow-Proprietors for the Rents, Issues, and Profits thereof.

9^{thly}, That the Heirs and Assigns of the remaining Sixty-three of the Eighty Associates of Elizabeth Town, appearing by Schedule N^o VIII. annexed, to have had Grants or Patents of Part of the Lands in Question; and the Heirs and Assigns of the Persons who had Patents or Grants, appearing by Schedule N^o XII. annexed, and the Heirs or Assigns of all other Persons who, by the Defendants Answer or otherwise, shall appear to have had Patents or Grants of Part of the Lands in Question, upon Quit-Rents, by the said Patents or Grants reserved, do account for and pay to your Orators and their Fellow-Proprietors, or to the Receiver-General of the Proprietors for the Time being, for that Purpose duly qualified, all Arrears of Quit-Rents due by the said Grants or Patents, with Interest from the Times the said Arrears ought to have been paid.

10^{thly}, That the Defendants and Confederates do account for all the Timber and other Profits made of the Lands in Question, and pay the same to the respective Owners thereof, as aforesaid; and for all Waifs, Strays, Wrecks, Deodands, and other Royalties, to your Orators, who are Proprietors, and to their Fellow-Proprietors.

11^{thly}, That under the Inspection, Direction and Examination of a Master of this Court, the Boundaries of the several Tracts granted by the Patents referred to in Schedule N^o VIII. and N^o XII. annexed, be ascertained and distinguished by an actual Survey from the Lands remaining and belonging to your Orators and their Fellow-Proprietors in common, and the Lands appropriated upon Proprietary Rights, such as those referred to in Schedule N^o IX. annexed, that your Orators may not be at a like Loss hereafter, as they are now, of knowing the Particulars of the Lands granted by those Patents, and the Tenants in Possession thereof, which may be liable to pay the Quit-Rents by the said Patents reserved.

12^{thly}, And that your Orators and their Fellow-Proprietors, and all claiming under the said Lord Berkley and Sir George Carteret any Part of the Lands in Question, may have such other and further Relief in the Premises, as shall be agreeable to Equity and good Conscience:

MAY it Please Your EXCELLENCY,
to grant to your Orators, his Majesty's Writs
of *Subpoena*, directed to the Defendants and
the rest of the Confederates, when discover-
5 ed, thereby commanding them and every of
them, at a certain Day, and under a certain Pain
therein to be inserted, to be and appear before
your Excellency, in his Majesty's Court of
Chancery of this Province, then and there to
10 answer the Premises; and to stand to and abide
such further Order and Decree therein, as to
your Excellency shall seem meet, and agree-
ble to Equity and good Conscience :

May it also please your Excellency, to grant
15 to your Orators, his Majesty's most gracious
Writs of Injunction, to be directed to the
Defendants and Confederates, commanding
them and every of them, under a certain
Pain therein to be express'd, that they com-
20 mit no farther Waste or Spoil upon the Lands

in Question, by cutting of Timber of other-
wise howsoever, until your Excellency shall
have given farther Directions therein :

May it also please your Excellency, to grant to your Orator *John Vail*, his Majesty's most gracious Writ of Injunction, to be directed to the said *James Jackson* and *Joseph Halsey*, and their Confederates, and to all and every their Councillors, Attornies, Solicitors, Factors and Agents, commanding them and every of them, under a certain Pain therein to be expressed, that no further Proceedings be had in the said Action of Trespass and Ejectment against your Orator *John Vail*, nor on the writ of Error of the Judgment in that Case rendered, until your Excellency shall have given further Order therein:

AND YOUR ORATORS shall ever Pray,
 &c.

Filed April 13th, 1745

THO. BARTOW, Clerk in Chan.

J. A. ALEXANDER, } Of Council
JOS. MURRAY, } for the
Complainants.

[illegible]

SCHEDULE, NUMB. I.

Recorded at Perth-Amboy. Lib.	Fol.	Year.	Date. Month. Day.	Grantor.	Grantee.	Thing granted, and Observations.
C. N ^o 3.	149	1663-4.	March 12.	King Charles II.	Duke of York.	Sundry Tracts in <i>America</i> in Fee, where- of <i>New Jersey</i> is Part.
C. N ^o 3.	1	1664.	June 24.	Duke of York.	Berkley & Carteret.	Grant of <i>New Jersey</i> in Fee.
3	56	1672.	July 16.	By Orders from King Charles the 2 ^d .	War proclaimed against the Dutch in <i>New Jersey</i> .	
3, 93, 94, 99, and 106, &c.		1673.	July 30.	Conquest.	The Dutch.	Instruments, by which it appears.
3	ditto.	Before 1674.	June 29.	The Dutch.	King Charles II.	Proofs of the Sur- rendry on Peace.
E. N ^o 2.	515	1674.	June 29.	King Charles II.	Duke of York.	This is almost in the Words of the first Grant.
C. N ^o 3.	104	1674.	July 29.	Duke of York.	Sir George Carteret.	Grant of <i>East New- Jersey</i> to him in Fee,
3	100					Green Line of Map, No. I.
C. N ^o 3.	9	1676.	July 1.	Sir Geo. Carteret	Assigns of Berkley.	Quintipartite Partition and Agreement on Line between <i>East</i> and <i>West Jersey</i> ; Blue Line of Map, No. I.
Chap. 73, p. 80		1719.	- - -	- - -	- - -	Printed Acts of Assembly confirm that Partition Line.
C. N ^o 3	17	1678.	Dec. 5.	Sir Geo. Carteret	Trustees.	By Last Will devised to them Power to sell <i>New Jersey</i> . amongst other Things.
4.	22	1681-2.	Feb, 2.	Trustees.	Twelve Proprietors.	Grant of <i>East New- Jersey</i> . --- Their Names are, William Penn, Robert West, Thomas Rudyard, Sam. Groom, Tho. Hart, Rich. Mew, Tho. Wilcox, Ambrose Rigg, John Haywood, Hugh Hartshorn, Clement Plumsted, and Thomas Cooper.
A.	4					
A.	44	- - -	- - -	William Penn.	Robert Barclay.	Grants half of his 12 th
B.	71	- - -	- - -	Robert West.	Edward Billinge.	Ditto.
D.	47	- - -	- - -	Tho. Rudyard.	Robert Turner.	ditto.
A.	48	- - -	- - -	Samuel Groom.	James Brain.	ditto.
A.	49	- - -	- - -	Thomas Hart.	Arent Sonmans.	ditto.
A.	49	- - -	- - -	Richard Mew.	William Gibson.	ditto.
A.	51	- - -	- - -	Tho. Wilcox.	Gawen Lawrie.	ditto.
A.	51	- - -	- - -	Tho. Wilcox.	David Barclay.	His remaining half of one 12 th
A.	53	1682-3.	March 14.	Duke of York.	24 Proprietors, entitled as above.	James Alexander has the Ori- ginal ready to be produced.
A.	290	-- --	-- --	John Heywood.	Thomas Warn.	Ditto.
A.	45	- - -	- - -	Hugh Hartshorn	James E. of Perth.	ditto.
A.	47	- - -	- - -	Clem. Plumsted.	Robert Gordon.	ditto.
A.	46	- - -	- - -	Tho. Cooper.	John Drummond.	ditto.
A.	53	1682-3.	March 14.	Duke of York.	24 Proprietors, entitled as above.	Confirmation & Release to the Twenty-four Proprietors of <i>E. New Jersey</i> , entitled as above.

SCHEDULE, NUMB. II.

The Chains of Conveyance down from the *Twenty-four* Proprietors, to the respective Complainants.

Recorded, Lib.	Date, Fol. Year, Mon. Da.	Grantor, being seized of,	Grantee.	Thing granted, and Observations.	Proprietors, & decimals of a Propriety, or of one 24th.
To JOHN Earl of STAIR.					
A	200 1683, March 5	Ambrose Riggs, one 24th.	Robert Barclay,	One half of his 24th of East-Jersey,	} 0,050000
A	227 1684, April 22	Rob. Barclay, three 48ths.	Sir John Dalrymple,	One 10th of one 48th of East-Jersey,	
Scots peerage	38 1703, April 8	Sir John Dalrymple,	Created Earl of Stair,		
ibid.	339 1706, Jan. 7	Died: J. Earl of Stair,	John Earl of Stair,	His eldest Son & Heir, intituled by Descent,	
To JOHN PENN, THOMAS PENN, and RICHARD PENN.					
AB.	83 1712, May 27	William Penn, one 24th,	Trustees	By his last Will devises to them in Trust	} 1,000000
AB	88 1735, July 14	Surviving Trustees,	John, Thomas and Richard Penn,	(to convey to his Children) His Children by his second Wife	
To The NEW-JERSEY SOCIETY.					
2d of K. James,	March 20	Edward Bylling, one 24th.	Daniel Cox,	His 24th, appears by recital in G. 181.	} 2,500000
B.	408 1689, April 6	Wm. Gibson, one 24th. dies	John Gibson,	His Son and Heir intituled by Descent, re-	
1st of Wm. & M.	Decem. 4	John Gibson, Heir.	Thomas Cox,	His one 24th. (cited in B. 408.	
D.	428 1689, Decem. 4	Thomas Cox.	Daniel Cox,	One 24th, recited G. 181.	
G.	177 1691, March 4	Tho. Cox & Rob. West,	Daniel Cox,	One 24th, formerly William Gibson's.	
C. No. 2	33 1682, Sept.	Daniel Cox, two 24th.	New-Jersey Society,		
		Robert West, one 24th.	Thomas Cox,	His one 24th.	
		Thomas Cox.	John Baker,	One half of his one 24th.	
C. Deeds,	25 1687, Aug. 27	John Baker,	Com. of Bankrupt,	Ditto.	
C. Deeds,	27 1687, Sept. 10	Commissioners of Bankrupt	Robert West.	ditto.	
C. No 2,	33 1693, Dec. 22	Rob. West, Tho. Cox, &c.	New-Jersey Society.	ditto.	
SAMUEL NEVILL hopes at least to shew Title to Arent Sonmans's Propriety, Garwen Lawrie's Propriety, David Barclay's Propriety, and Hugh Hartshorn's Propriety.					4,000000
To JOHN HAMILTON.					
A.	200 1683, Dec. 11	Thomas Cooper, one 24th.	Sir John Gordon.	One half of his one 24th,	} 0,383333
A.	210 1683-4, Feb. 13	Sir John Gordon,	Capt. And. Hamilton	One 20th of one 24th,	
K.	182 1690, Nov. 1.	Capt. Andrew Hamilton,	John Hamilton.	His eldest Son & Heir, intituled by Descent	
D.	177 1722, June 4.	James Brain, one 24th.	Ja. Brain, Joh. Brain, & Benj. Brain.	One 3d each, by last Will,	
		Joh. Brain, one 3d of one 24th.	John Hamilton,	His one 3d of one 24th.	
To JAMES HAMILTON.					
A.	200 1683, Dec. 11.	Thomas Cooper, one 24th.	Sir John Gordon,	One half of his one 24th.	} 0,050000
AB.	10 1683, Feb. 21.	Sir John Gordon,	David Mudie,	One 20th of one 24th.	
B.	252 1686, Sept. 19.	David Mudie,	David Violent,	Ditto.	
		David Violent,	William Violent,	His eldest Son and Heir, one 10th of one	
C. 3.	555 1723, July 2.	William Violent.	Andrew Hamilton & George Willocks,	(48th, excepting 1st Dividend.)	
		George Willox dies, and Andrew Hamilton dies,	Hamilton survives, James Hamilton,	One 20th of one 24th. His eldest Son and Heir.	
To ROBERT HUNTER MORRIS, in Trust for RICHARD ASHFIELD's Children.					
A	53 1682 Mar. 14	Duke of York,	Thomas Hart,	One 24th.	} 1,087500
C 2	33 1682 Sept.	Robert West,	Thomas Cox,	One 24th.	
B	65 1685 April 3	Thomas Cox,	William Dockwra,	Seven 40ths.	
	1700 April 16	William Dockwra,	Thomas Hart,	One half seven 40ths.	
		Thomas Hart, dies,	Patience Ashfield,	His Sister and Heir,	
		Patience Ashfield,	Richard Ashfield,	Her Grandson & Heir,	
To JAMES ALEXANDER.					
Head					40ths of a Propriety
N ^o 1	A. 199 1683, Dec. 20.	Clement Plumsted, one 24th.	Robert Burnet.	One half of one 24th,	} 5
	A. 2. 63 1715, Feb. 20.	Robert, Heir of Clement.	Clement Plumsted Pb.	One half of one 24th,	
	B. 2. 113 1718, Sept. 3.	Clement Plumsted, Phila.	Jof. Kirkbride,	One half of one 24th,	
	B. 2. 121 1718, Feb. 21.	Joseph Kirkbride,	James Alexander.	One eighth of one 24th,	
N ^o 2	B. 127 1685, July 19	Robert Turner, one 24th.	John Throgmorton.	One half of one 24th,	} 2
	B. 342 1688, Mar. 28	John Throgmorton,	James Bown.	One 20th of one 24th,	
	G. 32 1699, Sept. 22	James Bown, Heir.	John Bown, his brother	One 20th of one 24th,	
	C. 2. 102 1719, May 26	John Bown.	James Alexander.	One 20th of one 24th,	
	C. 2. 33 1682, Sep.	Robert West one 24th.	Thomas Cox.	One 24th, a Recital in a Deed, (West a Grantor.)	} 13
	D. 2. 29 1685, April 2	Thomas Cox.	Sir Eugen. Cameron.	Thirteen 40ths of one 24th,	
	B. 65 1685, April 3	Thomas Cox.	William Dockwra.	Seven 40ths of one 24th,	
N ^o 3	C. 2. 33 1693, Dec. 22	Thomas Cox.	New-Jersey Society,	One half of one 24th. This was	
	D. 2. 25. 269 1716, July 30	Sir Eugenius Cameron.	Donald Cameron.	Thirteen 40ths. (Baker's half	
	D. 2. 27 1721, Nov. 17	Donald Cameron.	Evan Drummond.	Thirteen 40ths. (Property.)	
	D. 2. 34 1722, July 18	Evan Drummond.	James Alexander.	One half of 13 40ths of the unap- (propriated Lands & Quit-Rents,	
	D. 2. 35 1723, April 6	Evan Drummond.	James Alexander.	Other half of 13 40ths, dit. (Sc.)	

SCHEDULE, N^o II. continued.

Recorded, Lib.	Fol.	Date. Year. Mon. Da.	Grantor. being seized of,	Grantee.	Thing granted, and Observations.	40ths of a Propriety.	Proprieties & decimals of a Propriety, or of one 24th,
head A.	86	1683, Aug. 3	R. Gordon, Cluny, one 24th	Gawen Lawrie.	One half of one 24th,	20	
N ^o 4 D 2.	290	1723, Sept. 13	Isab. Davis, heir of Lawrie.	Henry Lane.	One half of one 24th,		
(D 2.	294	1725, Sept. 24	Henry Lane.	James Alexander.	One half of one 24th,		
A.	200	1683, Dec. 11	Thomas Cooper one 24th.	Sir John Gordon,	One half of one 24th.	2	
A.	199	1683, Feb. 11	Sir John Gordon,	Charles Ormiston,	One tenth of one 24th.		
N ^o 5 A 2.	81	1709, July 29	Charles Ormiston's Attornys	Jedediah Higgins,	One tenth of one 24th.		
D 2.	255	1726, Mar. 26	Jedediah Higgins,	Daniel Hollinshead,	One tenth of one 24th, to each (one half;	10	
A.	222	1683, Dec. 29	Thomas Barker, one 24th.	James Alexander,	One half of one 24th.		
B 2.	327	1700, Mar. 4	Walter Benthall,	Walter Benthall,	One half of one 24th.		
N ^o 6 B 2.	335	1717, Mar. 28	Richard Hasell,	Richard Hasell,	One half of one 24th.	14	
B 2.	339	1718, Aug. 21	Daniel Hollinshead,	Daniel Hollinshead,	One fourth of one 24th.		
E 2.	175	1729, July 23	Francis Elrington,	Francis Elrington,	One fourth of one 24th.		
A.	431	1684, Mar. 17	James Earle of Perth,	James Alexander,	One fourth of one 24th.	10	
B.	4	1685, July 15	David Toshach,	David Toshach,	One fourth of one 24th.		
A.	223	1685, Aug. 5	David Mudie,	David Mudie,	One fourth of one 24th.		
E.	365	1695, Feb. 18	David Mudie, last Will.	William Lawrence,	One twentieth of one 24th.	14	
AB.	15	1716, Aug. 1	Thomas Gordon,	Thomas Gordon,	Power to sell.		
AB.	18	1720, Dec. 23	Samuel Leonard,	Thomas Gordon,	Four twentieths of one 24th.		
A. Wills 2	17	1721, July 21	Tho. Gordon, last Will.	Thomas Gordon,	Four twentieths of one 24th.	14	
A.	200	1683, Mar. 5	Ambrose Briggs one 24th	Jennet Gordon,	Power to sell.		
A.	227	1684, April 22	Robert Barclay three 48ths	Ro. Barclay, one 24th	One half of one 24th.		
N ^o 7 B.	484	1687, Oct. 21	Charles Gordon.	Charles Gordon,	One twentieth of one 24th.	14	
G.	82	1696-7, Ma. 3	George Henry,	George Henry,	One twentieth of one 24th.		
A. Wills.	217	1721, July 21	Tho. Gordon, last Will.	Thomas Gordon,	One twentieth of one 24th.		
A:	326	1684, April 22	Robert Barclay, three 48ths	Jennet Gordon,	Power to sell.	14	
D.	350	1691, Oct. 17	Dr. John Gordon,	Dr. John Gordon,	One twentieth of one 24th:		
5, 6, and 7 Steps of first Articles of Head N ^o 7.							
A.	327	1684, April 22	Robert Barclay, three 48ths	Thomas Gordon,	One twentieth of one 24th.	14	
A. Wills.	217	1721, July 21	Thomas Gordon, last Will.	Jennet Gordon,	Power to sell.		
A.B.	23	1730-1, Jan. 11	Jennet Gordon,	Jennet Gordon,	Thirteen 40ths.		
A.B.	73	1740, Oct. 4	Jennet Gordon,	James Alexander,	One fortieth of one 24th.	14	
A.	200	1683, Mar. 29	James, E. of Perth one 24th,	James Alexander,	One fourth of one 24th.		
Scots peerage	336	1685, April 15	Sir George Mackenzie,	Sir Geo. Mackenzie,	One fourth of one 24th.		
A.	431	1684, Mar. 27	James, Earl of Perth,	Created Visco. Tarbat	One fourth of one 24th.	14	
I.	78	1704, Dec. 16	Lord Drummond, Heir and Assignee of Perth,	David Toshach,	Whole of the Earl of Perth's (Right.		
A.	227	1685, Aug. 13	Viscount Tarbat,	Charles Dunstar,	One fourth of one 24th.		
A.	94	1683, July 20	Samuel Groom one 24th.	Ld. Neil Campbell,	One fourth of one 24th.	14	
	197	1684, Mar. 9		William Dockwra,	One 24th.		
A.	227	1684, Mar. 13	William Dockwra,	Robert Blackwood,	One half of Groom's one 24th.		
N ^o 8 D 2.	102	1708-9, Feb. 18	Arch. Campbell, heir of Ld.	Charles Dunstar,	Tarbats one fourth of one 24th	14	
D 2.	106	1723, Mar. 14	Neil, and James Black- wood, heir of Robert.	Indorsement.	All Cambell's Right,		
E 2.	298	1708-9, Feb. 18	Ditto.	Ditto,	One half of Groom's one 24th.		
B. Wills.	27	1726, April 25	Charles Dunstar, last Will.	Executors,	Gives them Power to sell.	14	
		1726-7, Feb. 17	Codicil,				
Enroll'd in Bar- tows Office.		1739, Nov. 11	Chancery decree,	Executors,	Commands them to sell.		
A.B.	52	1740, Aug. 13	Executors,	D. D. Dunstar.	All Cha. Dunstars Right before.	14	
A. B.	45	1740, Aug. 14	Daniel Donaldson Dunstar,	James Alexander.	Five eighths of ditto.		
A. B.	42	1740, Oct. 7	D. Donaldson Dunstar,	James Alexander,	Three 8ths of one 40th of one 24th		
A.	200	1683, Mar. 5	Ambrose Riggs one 24th.	Robert Barclay,	One half of one 24th.	14	
A.	53	1682, Mar. 14	Duke of York.	Robert Barclay,	One of the 24 Proprietors.		
Minutes Supreme Court March 1741-2, Barclay died; Rob. Barclay, the Son & Heir, appears by Isab. Fitzrandolph's Affirmation.							
C.	242	1701, Sept. 1	R. Barclay, heir of Robert,	Falconer & Mollison,	Power to sell.	14	
H.	51	1702, Jan. 20	Rob. Barclay, by Falconer & Mollison,	John Johnston,	His whole nineteen 20ths.		
H.	82	1702, Jan. 23	John Johnston,	Willocks, Harrison,	Each one 5th of nineteen 20ths		
K.	248	1708, Aug. 28	John Johnston,	Longfield, Haudon,	One 5th of Barclay's Propriety.	14	
N ^o 9 A. B.	36	1739, Mar. 10	Executors of Cornelius Longfield.	Cornelius Longfield,	All Testators one fifth, except located Lands.		
A. B.	36	1739, Mar. 10	Henry Longfield,	Henry Longfield, Son and Heir of Cornelius.	Ditto.		
A. B.	37	1739, Mar. 17	Samuel Leonard,	Samuel Leonard,	One half of ditto.	14	
B. L. B.	22	1702, Dec. 18	R. Barclay, heir of Robert,	James Alexander,	His whole Right in New-Jersey		
A. B.	80	1705, Sept. 8	John Haddon,	John Haddon,	Ditto.		
B. Wills.	320	1731, Oct. 29	John Johnston,	John Johnston,	To them Power to sell, &c.	14	
A. B.	79	1741, August	John Johnston's Executors,	Executors devises Trustees,	Four fifths ditto, for Use of those entitled, by Virtue of Convey- ances before from J. Johnston.		

SCHEDULE, N^o II. continued.

Recorded.	Date.	Grantor.	Grantee.	Thing granted, and Observations.	Proportions of a Propriety.	Proprieties & decimals of a Propriety or of one 24th.
Lib.	Fol.	Year. Mon. Da.	being seized of,			
head		See the first five Steps of Head N ^o 5, by which Daniel Hollinshead was entitled to one 20th of Cooper's Propriety, of Jedediah Wiggin's				
N ^o 10		See also the first four Steps of Head N ^o 6, by which he was also entitled to one 4th of Barker's Propriety,				
A B	43	1740, Oct. 7	Francis Hollinshead, heir of Daniel.	James Alexander, Samuel Leonard,	All his said Right with Covenants. Each one half of six 20ths.	2,685625
To DANIEL DONALDSON DUNSTER.						
		See the eighth Head of the Chain of Conveyances to James Alexander, by which it appears, that Daniel Donaldson Dunstar was entitled to three 8ths of one and one fourth Proprieties, which is				
		See the eighth Head of the Chain of Conveyance to James Alexander, by which D. D. Dunstar conveyed,				
					0,468750	0,459375
					0,009374	
					Remains	0,459375
To SAMUEL LEONARD.						
N ^o 1		See the ninth Head of the Chain of Conveyances to James Alexander, by which it appears, that Samuel Leonard is entitled to				
N ^o 2		See the tenth Head of the same, by which it appears that Samuel Leonard is entitled to,				
N ^o 3		Thomas Warne one 24th. Having conveyed away two 3ds in his Life, died seiz'd of one 3d.				
			Stephen Warne, heir of Samuel Leonard, and Thomas Leonard.	One third of one 24th descended to him, to each one half,	0,166666	0,411666
To THOMAS LEONARD.						
		See the third Head of Samuel Leonard's Chain of Conveyances, by which Thomas is entitled to,				
						0,166666.
To JOHN BURNET.						
A	77	1682, Mar. 23	John Heywood,	Robert Burnet,	One twenty fourth.	128ths
A	78	1683, July 1	Robert Burnet,	James Willocks,	One eighth of one 24th.	16
A	83	Ditto, 18	Ditto,	Andrew Jeffrey,	One sixteenth.	8
A	324	ditto, 19	ditto,	Robert Hardy,	One hundred and twenty eighth.	1
A	88	ditto, Aug. 13	ditto,	Robert Gordon,	One thirty two.	4
A	90	ditto.	ditto,	George Alexander,	One thirty two.	4
A	92	ditto.	ditto,	James Miller,	One thirty two.	4
A	66	1692, Mar. 22	ditto,	Robert Sandilands,	One sixteenth.	8
A	99	1683, Nov. 26	Clement Plumsted,	Robert Burnet,	One forty eighth.	1008ths
A	249	1683, Feb. 7	Robert Burnet,	William Robinson,	One fourth of one 48th.	0,125
A	249	1684, July 23	Ditto,	John Forbes,	One fifth of one 48th.	0,100
B	533	1684, Dec. 20	ditto,	John Alexander,	One sixteenth of one 48th.	0,031
		1718,	Act of Assembly,	Trustees, power	To sell all Rob. Burnet's Estate.	
B 2	371	1720, Aug. 14	Trustees,	John Sharp,	Sale in pursuance of the Act of	
B 2	375	1720, Sept. 2	John Sharp,	John Burnet,	All his Right. (all his Right.	
			John Burnet,	J. Burnet Son & Heir,	All his Right by Descent.	
C 2	536	1705, July 23	Robert Gordon, Cluny,	Augustine Gordon,	One half of one 24th.	0,500000
C 2	540	1705, Oct. 2	Augustine Gordon,	John Burnet,	One half of one 48th.	
C 2	546	1706, June 6	Ditto,	Ditto.	One half of one 48th.	
			John Burnet,	J. Burnet, Son & Heir,	One half of one 24th. as Son & Heir.	
To ANDREW HOME.						
A	200	1683, Dec. 12	Thomas Cooper,	Sir John Gordon,	One forty eighth.	
			Sir John Gordon sells to sundry Persons as by the Records appears 6 twentieths.			
B 2	585	1720, Mar. 2	Sir Robert Gordon, Brother and heir of Sir John.	John Rockhead,	All his Right in New-Jersey, it's four 20ths.	0,200000
			John Rockhead, died,	James Rockhead, Brother and heir,		
C Wills.	378	1739, Feb. 6	James Rockhead,	Andrew Home,	Devifes to him all his real Estate.	
To ISABELLA KEARNEY, &c.						
A	217	1685 Nov. 5	Thomas Rudyard,	John West, et Ux, & Sam. Windor, et Ux,	One half of one 24th.	
E	73	1692 Feb. 15	Benj. Rudyard, heir of Tho.	George Willocks,	One half of one 24th.	
			John West, dies,	Ann, his Wife survives		
E	253	1695 Dec. 2	Ann, Widow, marries Robert Wharton, and Wife,	George Willocks,	One half of one 4th of one 24th.	
			Samuel Winder dies,	Margaret, his Wife	Survives.	
			Margaret, Widow, marries	George Willocks,		
A	77	1682 Mar. 23	John Haywood,	Robert Burnet,	One 24th.	
A	78	1683 July 1	Robert Burnet,	James Willocks,	One 8th of one 24th.	
			James Willocks,	George his Brother & Heir.	Descended to him three 4ths of one 8th of one 24th.	0,625000
A	88	1683 Aug. 13	Robert Burnet,	R. Gordon, Cardmaker	One two and thirtieth of one 24th.	
F	71	1696 Sep. 18	Rob. Gordon, Card-maker,	George Willocks,	One 64th of one 24th.	
G	71	1698 Feb. 20	George Willocks, and Margaret his Wife,	Jeremiah Bais,	Seven eighths of one 24th.	
			Jeremiah Bais, last Will,	His Wife Executrix,	Power to sell.	
K	11	1727 July 17	Executrix of Jeremiah Bais,	Michael Kearney,	Seven eighths of one 24th.	
			Michael Kerney,	John Parker,	Two 8ths.	
			John Parker,	George Willocks,	One 8th.	
D Wills	149	1740-1, Mar. 12	Michael Kearney,	Isabella Kearney, &c.	By his last Will devifes to them Power to sell.	

SCHEDULE, N^o II. continued.

Recorded.	Date.	Grantor.	Grantee.	Thing granted, and Observations.	Proprieties, & decimals of a Propriety, or of one 24th.	
Lib.	Fol.	Year. Mon. Da.	being seized of,			
To JOHN BUDD.						
A 2	63	1715, Feb. 20	Robert, Son and Heir of Clement Plumsted, of Philadelphia,	Clement Plumsted, of Philadelphia,	One half of one 24th.	
B 2	113	1718, Sept. 3	Clement of Philadelphia,	Jos. Kirkbride,	One half of one 24th.	
B 2	127	1719, April 20	Jos. Kirkbride.	John Budd,	One eighth of one 24th.	
To SHARP'S						
C 3	189	1682, Oct. 14	Thomas Warne,	Anthony Sharp,	One third of one half of one 12th.	
C 3	198	1682, Oct. 14	Thomas Warne,	Samuel Claridge,	One third of one half of one 12th.	
C 3	206	1694, Feb. 21	Samuel Claridge,	Anthony Sharp,	One half of one 3d of one half of one 12th.	
C 3	211	1682, Oct. 31	Samuel Claridge,	Thomas Siffon,	One 4th of one 3d of one half of one 12th.	
C 3	220	1694, Feb. 20	Thomas Siffon,	Anthony Sharp,	One 4th of one 3d of one half of one 12th.	
To ADAM HUDE.						
See Heads N ^o 1 and N ^o 2 of <i>Elisba Parker's</i> Title next following, where it appears John Mollison was entitled to two 20ths of one 24th, as also to one 40th of one 24th, and where it appears he conveyed one 20th of one 24th, and one 80th of one 24th to <i>Elisba Parker</i> , so there remain'd in him one 20th and one 80th of one 24th.						
A. Middlesex & Somerset. 225 1714, July 11 John Mollison, Adam Hude, One 20th of 1 24th, & 1 80th of 1 24th						
To ELISHA PARKER.						
N ^o 1	F	693	1683, Aug. 24	Robert Barclay one 24th.	Edward Fleatham,	One 10th of one 24th.
	F	697	1696, Dec. 19	Edward Fleatham,	Gilbert Mollison,	One 10th of one 24th.
	G	214	ditto.	Gilbert Mollison,	John Mollison,	One 20th of one 24th.
	G	27	1696, Aug. 10	Ditto.	Ditto.	One 20th of one 24th.
	K	85	1714, July 1	John Mollison,	<i>Elisba Parker</i> ,	One 20th of one 24th.
N ^o 2	B Wills	330	1731, Jan. 10	John Parker, heir of <i>Elisba</i> ,	<i>Elisba Parker</i> ,	All his undivided Rights of Propriety.
	A	200	1683, Dec. 11	Thomas Cooper one 24th.	Sir John Gordon,	One 48th.
	A	230	1685, April 11	Sir John Gordon,	David Falkoner,	One 20th of his one 48th.
	G	66	1699, July 27	David Falkoner,	John Falkoner,	Power to sell.
	A B	118	1702, Jan. 31	David Falkoner, by John his Attorney,	John Mollison	One 20th of one 48th.
N ^o 3	K	85	1714, July 1	John Mollison,	<i>Elisba Parker</i> ,	One 40th of one 48th.
	See last Step of Head N ^o 1.					
	See Kearney's Title in this Schedule, where Michael Kearney was intitled to seven 8ths of one 24th.					
	B 2	194	1727, Sept. 1	Michael Kearney,	John Parker,	Two 7ths of his seven 8ths.
				John Parker,	George Willocks,	One 7th of seven 8ths.
See last Step of N ^o 1, afore said.						
N ^o 4	B L B	22	1702 Dec. 18	Rob. Barclay, heir of Robert	John Haddon,	Nineteen 20ths of one 24th.
	A B	80	1705 Sept. 8	John Haddon,	John Johnston,	The same.
	H	82	1702 Jan. 23	John Johnston,	John Harrison,	One fifth of Barclay's Propriety, and one fifth to three more. The Reason of his conveying four 5ths of this Propriety before the Date of his Deed from Haddon, was because he purchased before of Barclay's Attorney, (as by two following Deeds appears) but Barclay himself having sold to Haddon the Month before the Sale by his Attorney's, it was thought necessary to procure the above Deed from Haddon.
	C	242		Rob. Barclay, heir of Rob. Falconer & Mollison	John Johnston.	Power to sell.
	H	51	1702 Jan. 10	Falconer and Mollison,	John Johnston.	By Virtue of the above Power to sell all Barclay's Rights of Propriety.
N ^o 5	B Wills	330	1731 Oct. 29	John Johnston,	Executors,	Power to sell, &c.
	A B	79	1741 Aug.	Executors of Johnston.	Trustees,	Confirmation of four 5ths of Barclay's Propriety for use of those entitled by Conveyances from John Johnston.
	A B	114	1728 June 26	Benj. Harrison, heir of John and Rachel his Wife.	George Riscarrick,	One 5th of 9 10ths of Barclay's Propriety
	A B	153	1728 Feb. 2	George Riscarrick,	John Parker,	One half of what he purchased from (Harrison.)
	See last Step of N ^o 1, afore said.					
N ^o 6	K	275	1731 Feb. 22	Benj. Harrison, heir of John	Evan Drummond,	All his Estate.
	F 2	13	1736 Dec. 14	Evan Drummond,	Rachel Harrison,	One half of what was conveyed him by Harrison.
	C Wills	139	1736 Dec. 13	Evan Drummond,	Executors,	Power to sell.
	A B 2	14	1744 May 6	Andrew Johnston, surviving Exer. of Evan Drummond, & Rachel Harrison.	<i>Elisba Parker</i> ,	One 5th of one 20th of one 24th which remained in them by Virtue of the Conveyance from the Executors of Johnston, as Benjamin Harrison sold only one 5th of nine 10ths, and one 5th of nineteen 20ths was released by the said Executors.
	Johnston, as Benjamin Harrison sold only one 5th of nine 10ths, and one 5th of nineteen 20ths was released by the said Executors.					
To GEORGE LESSLY						
N ^o 1	A	77	1682 Mar. 23	John Haywood, one 24th.	Robert Burnet,	One 24th.
	D 2	96	1692 Mar. 22	Robert Burnet,	Robert Sandiland,	One sixteenth of one 24th.
	D 2	144	1725 June 5	Robert Sandiland,	John Hamilton.	Power to sell.
	A B	161	1725 Oct. 10	John Hamilton,	George Willocks,	One sixteenth of one 24th.
	A	200	1683 Dec. 11	Thomas Cooper one 24th.	Sir John Gordon,	One 48th.
N ^o 2	G	141	1685 April 11	Sir John Gordon,	George M'Kenzie,	One 20th of one 48th.
	H	202	1701 Sept. 26	George M'Kenzie,	Isabel M'Kenzie,	One 20th of one 48th.
	B 2	239	1708 July 1	Isabel M'Kenzie,	Thomas Gordon,	One 20th of one 48th.
	B 2	244	1708 July 6	Thomas Gordon,	George Willocks,	One 20th of one 48th.
	See Johnston's Account following, Head N ^o 4, where Andrew Johnston was seized of one fourth of Rudyard's Propriety					
N ^o 3	IC 3	272	1716 Dec. 28	Andrew Johnston,	George Willocks,	One 8th of one 24th.

See

SCHEDULE, N^o. II. continued.

Recorded, Lib.	Date. Vol. Year. Mon. Da.	Grantor, being seized of,	Grantee.	Thing granted, and Observations.	Proprieties, & decimals of a Propriety, or of one 24th.
N ^o 4	See Johnston's Account hereafter, Head N ^o 1, whereby Willocks was entitled, and Executors of John Johnston confirm to Heirs or Assigns of Willocks, A B 85 1741 Aug. 19				
		I		One 5th of 19 20ths of one 24th	1 0,190
	See Elisha Parker's Account above, Head N ^o 3, where John Parker was entitled to Two 8ths of one 24th.				
N ^o 5	1 A B 165 1727 Jan. 10	John Parker	George Willocks	One 8th of one 24th	1 0,125
	A 222 1683 Dec. 29	Thomas Barker, one 24th	Walter Benthall,	One half of one 24th.	
	A Gloster, 3 1711 Sept. 4	Thomas Barker,	Martha, his Widow,	Devises Power to sell.	0,5000
		(Thomas. John Estaugh,		Power to sell.	
	C 2 77 1713 Sept. 19	Martha Barker, by John Estaugh,	John Harrison,	One half of one 24th.	
N ^o 6	A of Wills 330 1725 June 14	John Harrison,	Executors	Power to sell.	
	A B 183 1727 June 15	Executors of Harrison	John Johnston,	One half of one 24th.	
	AB 182 1727 June 28	John Johnston,	George Willocks,	One half of one 24th.	
		George Willocks, dies.	Elizabeth Lesley,	His Sister and Heir.	
	C 3 280 1729 Aug. 7	Elizabeth Lesley,	George Lesley,	All her Right as Heir.	

To the Estate of JOHN JOHNSTON.

H	51 1702 Jan. 29	Robert Barclay, Son and Heir of Robert, by Falconar and Mollison, his Attornies.	John Johnston,	All his Estate in New-Jersey.	0,190
H	80 1702 Jan. 22	John Johnston,	Willocks, Harrison, Hauden, & Longfield,	Four 5ths of the above.	
N ^o 1 B L B	22 1702 Dec. 18	Robert Barclay, heir of Robert,	John Haddon,	His whole Right of Propriety, which by Head N ^o 9 of James Alexander's Account appears to have been nineteen 20ths of one 24th.	
A B	80 1705 Sept. 8	John Haddon,	John Johnston,	The same.	
A B	89 1741 Aug. 19	Johnston's Executors.	Trustees,	They confirm four 5ths of Barclay's Propriety for Use of those entitled under their Testator.	0,190
N ^o 2 A B	188 1711 Mar. 22	Michael Hawden, last Will.	Executors,	Power to sell.	
A B	206 1715 June 22	Executors of Hawden.	John Hamilton,	One 5th of nineteen 20ths conveyed to	
A B	209 1716 Oct. 31	John Hamilton.	John Johnston,	The same. (Hawden as above)	
N ^o 3 A	77 1682 Mar. 23	John Haywood, one 24th.	Robert Burnet,	One 24th.	0,0625
A	83 1683 July 10	Robert Burnet,	Andrew Jeffrey,	One 16th of one 24th.	
H	23 1702 Jan. 20	Andrew Jeffrey,	John Johnston,	One 16th of one 24th.	
A	217 1685 Nov. 5	Thomas Rudyard one 24th	John West, & Uxor,	One half of one 24th, each one 4th.	
F	190 1696 Dec. 22	Rob. Wharton, & Ann his Wife, formerly Ann West.	Sam. Winder, & Uxor		0,125
N ^o 4 A B	188 1711 Mar. 22	Michael Hawden, last Will	Michael Hawden,	One 4th of one 24th.	
C 3	270 1715 Dec. 22	Executors of Hawden,	Executors.	Power to sell.	
C 3	272 1716 Dec. 28	Andrew Johnston,	Andrew Johnston.	One 4th of one 24th.	
			John Johnston,		
			George Willocks,	One 4th, to each one 8th.	

JOHN FURMAN's Right of Propriety.

N ^o 1 B	70 1685 July 22	Robert Turner, one 24th	Nicholas Brown,	One sixteenth of one 24th.	0,03125
B	326 1687 Feb. 7	Nicholas Brown,	Stephen West,	One thirty two of one 24th.	
A B	121 1741, Oct. 1	Mary Brown, sole Daughter and Heiress of Nicholas Brown, intermarried with Daniel Seabrook.	John Furman,	One thirty two of one 24th.	
N ^o 2 I	184 1706 Feb. 5	Daniel Seabrook, & Uxor	Thomas Cooper, one 24th.	Oba. Bowne, & others	0,027777
I	199 1708 Oct. 2	Obadiah Bowne, & others.	James Lawrence,	One 48th, except 5086 Acres.	
A B	193 1710 Dec. 16	James Lawrence,	Stephen Longstreet,	One 18th of one 48th.	
A B	197 1742 May 12	Heirs of Longstreet.	John Furman,	One 18th of one 48th.	
A 2	63 1715 Feb. 20	Tho. Plumsted, son & heir of Clem. Plumsted, one 24th	Clement Plumsted, of Philadelphia,	One half of one 24th.	0,2500
B 2	113 1718 Sept. 3	Clement Plumsted,	Joseph Kirbride,	One half of one 24th.	
B 2	121 1718 Feb. 12	Joseph Kirbride,	James Alexander,	One eighth of one 24th.	
B 2	127 1719 April 20	Joseph Kirbride,	John Budd,	One eighth of one 24th.	
N ^o 3 A 1 Will in Bucks County & Provin. of Pensilva. 251	1736 June 5	Joseph Kirbride,	Joseph Kirbride, Mahlon Kirbride, and John Kirbride,	One fourth of one 24th.	
A B 2	37 1744 Aug. 13	Joseph, Mahlon, and John Kirbride,	John Furman.	One fourth of one 24th.	

To JOHN ALEXANDER.

A	77	1682 Mar. 23	John Haywood, one 24th	Robert Burnet,	One 24th.	} 0,03125
A	99	1683 Nov. 26	Clement Plumsted, one 24th	Robert Burnet,	One 48th.	
B	533	1684 Dec. 20	Robert Burnet,	John Alexander,	One sixteenth of one 48th.	
John Alexander dies, and John Alexander the Complainant is his Son and Heir.						

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SCHEDULE N^o II. *continued.*

Recorded. Lib.	Date. Vol. Year. Mon. Da.	Grantor. being seized of.	Grantee.	Thing granted, and Observations.
To DANIEL COOPER.				
L	165 1687 Oct. 13	Council of Proprietors and Governor.	Robert Barclay, one of the 24 Proprietors.	A Warrant for laying out 3000 Acres on North side of Pasaick River, 20 Miles above the Falls.
L	174 1687 Oct. 20	Surveyor General.	Robert Barclay,	Return of Survey of 2000 Acres on Pasaick River on said Warrant, it's N ^o 28 of Schedule N ^o III.
B Minutes Supreme Court, August Term 1742.	277 1687 Jan. 22	Proprietors of E. Jersey.	Robert Barclay,	Patent under Seal of Province for 2000 Acres returned to him as before.
See the 9th Head of Conveyances to James Alexander before, by which it appears that John Harrison became intitled to one 5th of all Robert Barclay's Estate in New-Jersey, amongst which the said 2000 Acres was part.				
F 2	16 1719 Nov. 25	Owners of four 5ths.	John Harrison, of one 5th.	They having divided the said 2000 Acres into five Lots, the Lot N ^o 2 fell to John Harrison, and the four Partners release N ^o 2 to him.
K	145 1723 July 22	John Harrison.	David Jamison,	Mortgages to him in Fee the Lot N ^o 2.
K	275 1731 Feb. 22	John Harrison died, and the Equity of Redemption descended to Benjamin his Son and Heir.	Evan Drummond,	All his Estate in New-Jersey in Fee.
F 2	24 1732 Feb. 27	Benjamin Harrison died, leaving Rachel his Widow intitled to Dower in the Premises.	David Jamison,	Release of the Redemption and Grant of all their Rights in Lot N ^o 2.
C N ^o 3	78 1733 Nov. 10	Evan Drummond, and Rachel Harrison,	Daniel Cooper, and Rezier Runion.	Conveyance to them of Lot N ^o 2 in Fee.
F 2	33 1735 June 20	David Jamison,	Daniel Cooper,	Release of his Moity of Lot N ^o 2.
Lot N ^o 2 aforelaid, in Possession of Daniel Cooper, is the Place on which Joseph Moss, John Crain and others trespassed, and were found guilty, as in the Bill is set forth.				

SCHEDULE, NUMB. III.

Numbers & Letters on Map N ^o III.	Complainants, or their Assigns Owners.	To whom survey'd.	Date of the Survey.	Book and Leaf where recorded.	The Lands surveyed, and Situation.
1 MT		William Piles,	1676 April 8	Lib. 2 38	230 Acres on Raway, West Branch.
L V		Sir George and Phillip Carteret,	1682 April 11	4	1498 Acres on West side Raway River.
2 MW		John Palmer,	1683 Sept. 25	L 8	877 on Raritan W. by Philip Wells, D. Surveyor.
3 G S		Thomas Codrington,	1683 Sept. 25	L 9	877 on ditto by ditto.
4 H S		John Royce,	1683 Sept. 25	L 10	877 on ditto by ditto.
5 H S		John White,	1683 Sept. 25	L 10	877 on ditto by ditto.
6 G S		Graham Winder,	1683 Sept. 28	L 12	1904 on ditto by ditto.
7 F S		For Proprietors,	1683 Sept. 25	L 10	1170 on ditto by ditto. this was patented to Rudyard.
8 H S		John Barclay,	1685 Oct. 8	L 61	700 at Blew Hills, where he was settled as per Warrant L 37.
9 L S		Peter Sonmans,	1685 Oct. 9	L 61	2500 at ditto, Green River, George Keith.
10 K V	Samuel Nevill,	J. Forbes, on Warrant	1685 Feb. 11	L 78	425 near Blew Hills, where his House is.
11 K S		John Campbell,	1685 Nov. 9	L 79	1874 on S. Branch, bounding on Doby's Land.
12 DR		Jo. Dobie, on Warrant	1685 Nov. 9	L 80	375 on S. Branch Raritan, by John Campbell's
13 DR		John Drummond,	1685 Nov. 9	L 80	1000 on S. Branch Raritan by Andrew Hamilton's.
14 D S		Andrew Hamilton,	1685 Nov. 9	L 80	750 on So. Branch Raritan, between Cambell's and Londine
15 D S	John Hamilton.	Dr. Wm. Robison.	1686 April 1	L 82	700 on Raway River and W. Branch.
16 MT		Joseph Frazey, junr.	1685 6 Feb. 5	L 81	135 joyning Dr. Robison's on Raway.
17 NT		Thomas Rudyard,	1686 May 1	L 114	1500 on Branch of Raway, where Woodbridge Line crosses.
18 MT		John Clark,	1686 May 24	A 340	120 joyning Dr. Robison's on Raway.
19 MV		Richard Clark, junr.	1686 May 24	A 339	106 Ditto.
20 MV		Thomas Hart,	1685 6 Jan. 20	L 139	2000 on Raway.
21 L V	Ashfield's Children,	Andrew Hamilton,	1687 April 25	L 146	500 on So. Branch of Raritan by Holland's Brook.
22 D S	John Hamilton,	Andrew Hamilton,	1687 Oct. 13	L 159	250 on So. Branch, between Corfens and his own Land.
23 D S	John Hamilton,	J. and G. Alexander,	1685 6 Jan. 29	L 170	350 on Raway.
24 MV	John Alexander,	James Emmott,	1686 April 9	A 334	300 on Raway River.
25 MV		John Robison,	1686 May 1	A 394	660 purchased of Vanquillen on No. Side of Raritan.
26 E T		William Dockwra,	1687 March 10	L 174	2000 on No. Side Pasaick 188 is Warrant.
27 H X		Robert Barclay,	1687 Oct. 20	L 174	2000 on ditto.
28 G X	Johnston's Executors, George Lesley, &c.	John Carrington,	1687 March 14	L 190	100 joyning Dr. Robison's Land on Raway, W. Branch.
29 NT		John Pope,	1687 March 20	L 197	120 on Popes Brook and Raway River.
30 J. X		Peter Sonmans,	1687 May 20	L 194	300 on Raritan and Ambrose's Brook.
31 I R	Samuel Nevill,	Thomas Codrington,	1688 April 20	L 200	1000 on Rear of his Land at Raritan.
32 GT		John Baker,	1688 April 13	L 202	1000 at Raway, at John Pope's Corner.
33 L Y	Jersey Society,	J. and G. Alexander	1686 June 15	L 206	462 at Blew Hills, George Keith.
34 K V	John Alexander.				

SCHEDULE N^o III. *continued.*

Numbers & Letters on Map N ^o III.	Complainants, or their Assigns Owners.	To whom survey'd.	Date of the Survey.	Book & Leaf where recorded.	The Lands surveyed, and Situation.
35 K V		Robert Fullerton,	1686 June 4	L 207	300 at Blew-Hills.
36 L X		Gov. Barclay,		L 209	500 as Head Land, where Turkey Brook comes into Raway.
37 D T		Hendrick Corfen,	1688 June 10	L 218	500 where south and north Branches meet.
38 K W		Ja. Cole, senr,	1688 April 23	L 213	125 at Blew Hills at No. Corner of G. and J. Alexanders.
39 K T	James Alexander, &c.	Sir Ev. Cameron,		L 226	1000 on Bound Brook.
40 K T		R. Burnet,		L 227	1000 for 900 So. by J. Forbes and Ev. Cameron.
41 L V	John Burnet,	R. Burnet,		L 227	1000 for 900 adjoining, begins at Woodbridge Stake.
42 K S		R. Burnet,		L 228	1300 for 1000 on So. side of Bound Brook.
43 E V		William Ackman,		L 237	400 on north Branch of Raritan.
44 E V		Archibald Riddle,		L 237	300 joins Ackman.
45 K V		Andrew Galloway,	1688 August 20	O 8	350 East by Blew Hills, So. by Burnet's.
46 L V		William Gerard,	Ditto.	O 9	350 bounded West by Andrew Galloway.
47 L V	John Burnet,	Rob. Gordon, <i>Cluny</i> .	ditto.	O 10	1000 Woodbridge Line S. and Tho. Hart, E.
48 E S	D. D. Dunstar,	Ld Neil Campbell,	1685 Jan. 9	O 17	1650 on Raritan and north Branch.
49 H W		Warrant.			
50 F T		William Dockwra,	1690 May 20	O 54	3000 on south side Pafaick, begins at his lower Corner.
51 C W		Samuel Winder,		O 68	500 at Rear of Graham & Comp. on Raritan.
52 D X	George Lesley,	Margaret Winder,	1690 May 20	O 68	1000 on the north Branch of Raritan.
53 L S		Warrant.			
54 D V	Johnston's Extors.	J. Laing, Warrant,	1689 December	O 71	100 on Woodbridge in Middlesex, at J. Barclay's S. E. Corner.
55 L S		John Johnston,	1690 May 20	O 86	400 on the West side of N. Branch of Raritan.
56 D V	Alexander & Dunstar	Wm. Frost, Warrant.	1689 Dec. 16	O 97	100 Woodbridge Line & Bound Brook, Barclay's S.E. Corner.
57 I V	Ja. Alexander, &c.	Ld N. Campbell,	1690 May 24	D 233	1000 on the north Branch of Raritan.
58 D V		Sir Ev. Cameron,	ditto.	D 236	2000 at Blew Hills.
59 E W	John, Earl of Stair.	Sir John Dalrymple.	1692 Feb. 17	O 127	500 on the north branch of Raritan. on Riddell's.
60 D W		Ann West, Warrant.	1693 Aug. 14	O 130	912 on the north branch of Raritan, begins at Dalrymples.
61 C W	Johnston's Extors. &c.	Campbell & Blackwood	1693 Aug. 4	O 132	3900 on the north branch Raritan.
62 E S		William Pinhorn,	1697-8 Mar. 3	O 173	500 joyning Ld. Neil Cambell's, 160 from River.
63 D V	Johnston's Extors.	John Johnston,		O 178	50 in Part, 2d divided on N. branch, joining to his own Land.
64 B X	Johnston's Extors.	Johnston & Willocks,			
65 C Y	George Lesley, &c.	Warrant.	1701 June 6	O 199	3150 Pepack Tract on branches of N. branch of Raritan.
66 D Z					
67 C W	George Lesley.	George Willocks.	1701 June 7	G 250	60 on N. branch, begins over against lower Corner of Margaret
68 D V	Johnston's Extors.	Dr. Johnston, Warrant	ditto.	O 200	A Piece of land joyning Ld Neil Cambells on N. branch. [Winder.
69 D T		Michael Hawden.	1703 May 1	O 227	466 $\frac{2}{3}$ on West side of N. branch of Raritan, on Willocks.
70 D T	George Lesley,	George Willocks,	ditto.	O 228	466 $\frac{2}{3}$ on W. side of N. branch at Ld Neil's lower Corner.
71 D T		Miles Forster,	ditto.	O 228	466 $\frac{2}{3}$ on N. branch at Hawdens lower Corner.
72 D T		Thomas Gordon,		O 228	500 on N. branch at Peter Vannests.
73 D W	Ja. Alexander, and	Campbell, and			
74 E V	D. D. Dunstar,	Blackwood,		O 230	7600 at Rear of Raritan Lots, in two Tracts.
75 K V	Alexander and	A. Campbell, Warrant	1701 June 6	O 230	1350 Head Lands in Elizabeth Town.
76 L W	Dunstar,			O 237	469 in the Blew Hills, between them joins Adam Hudes.
77 G V	Elisha Parker,	Elisha Parker,		O 237	250 between the same, a Mile West of John Johnston's House.
78 H V		Elisha Parker,		O 237	80 between 1st and 2d Mountain joining his other Tract.
79 H V	Adam Hude,	Adam Hude,		O 238	469 joining Parker's 1st above Tract.
80 G V		Ditto.		O 238	250 joining Parker's 2d Tract.
81 F W		John Campbell,		O 241	200 on dead River, 120 chs. up from Pafaick.
82 F X		Judiah Higgins,		O 246	500 on Bound Brook and Rohobous Brook, Piscataway.
83 A R				West	
84 B S		Mahlon Stacy, &c.	Sandry Dates,	Divisi.	A multitude of small Surveys in Lotting purchase.
85 C T				Records	
86 B T V	Geo. Lesley, entail'd.	George Willocks, &c.	1716 May	B 2 281	9000 at Rear of Raritan Lots on N. branch & Holland's Brook.
87 C W X					
88 A V W	John Budd, &c.	James Logan, and	1720 March 23	M 8	8990 between Willocks and New-Jersey Society, & Lotting
89 B X Y		John Budd,			Purchase.
90 A V W	Jersey Society,	New-Jersey Society,	1720 March 10	M 10	91895 on Logan's and Budds, and on Lotting Purchase, and on
91 A X Y					Delaware, of which about 6000 within the Pretense.
92 F W X	John Thomas, and	William Penn,	1717 June	S 4	7500 on Dead River and Pafaick.
93 G Y Z	Richard Penn's,				
94 L S		William Laing,	1720 February	S 9	84 $\frac{1}{2}$ to Wm. Laing on bound Brook, Piscataway.
95 K S		James Manning,	1719 March 8	S 10	7 at Blackford's and Burnet's Corner on bound Brook.
96 E X		John Pittinger,	1717 Feb. 24	S 29	200 joyning Penn's Land.
97 I W	Ja. Alexander, &c.	John Dagworthy,	1722 April 3	S 29	93 $\frac{1}{2}$ on Green Brook, Blue Brook and Rattle Snake Brook.

SCHEDULE N^o III. *continued.*

Numbers & Letters on Map N ^o III	Complainants, or their Assigns Owners,	To whom surveyed.	Date of the Survey.	Book & Leaf where recorded	The Lands surveyed, and Situation.
87 F X		John Harrison,	1721 May 1 S	32	300 $\frac{1}{4}$ between Dead River and Pafaick,
88 D Y		M'Dowal & Pittinger	1722 June 14 S	32	132 on Pepack, north branch of Raritan.
89 I V	James Alexander, &c.	Drummond and Alexander,	1723 Sept. 6 S	51	76 at blue Hills, the Top of the first Mountain.
90 H V	John Hamilton,	John Hamilton,	1727 March 25 S	53	500 between first and second Mountains.
91 E W		Margaret Tiepel,	1727 Dec. 12 S	54	200 between 1st and 2d Mountain, upon Arch. Campbell's Line.
92 E W		Alexander M'Dowall	ditto, S	55	61 on 2d Mountain at N. E. Corner of Dunstar's 7600
93 E Y		Ditto.	ditto, S	55	50 on Daniel Shoemaker's, formerly Pettinger's on Penn's Land.
94 I T	James Alexander,	James Alexander,	1727 Feb. 12 S	56	118 $\frac{1}{2}$ begin at N. E. Corner of Sir Ev. Cameron's 2000 at
95 I V		Ditto.	ditto. S	56	493 joining Peter Sonman's, Blue Hills. [Blue Hills.
96 H V		John Parker,	1727 March 25 S	61	165 between 1st & 2d Mountain, & Hollinshead and Hamilton
97 E X	Elifha Parker,	Ditto.	1728 March 28 S	64	147 in Harrison's Neck, John Ayer's Place.
98 F T		R. L. Hooper,	1726 May 16 S	65	125 on Line of Dunstar, formerly Campbell and Blackwood.
99 E Y	James Alexander,	James Alexander,	1728 March 28 S	66	272 $\frac{2}{3}$ on E. side N. branch of dead River.
100 F Y		George Riscarrick,	ditto S	67	184 $\frac{1}{2}$ between Dead River and Penn's Brook.
101 I V		Joseph Jennings,	1727 Dec. 28 S	69	4 in the first Mountain at the Falls of Stony Brook.
102 G T		Alexander M'Dowall	1728 Sept. 26 S	68	142 $\frac{1}{2}$ at NW Corner of Mich. Van Veghty on Raritan.
103 F Y		Daniel Hollinshead,	1729 June 18 S	76	132 $\frac{1}{2}$ on the N branch of Dead River.
104 H V		Ditto.	1727 March 25 S	82	393 between 1st and 2d Mountain at Elifha Parker's.
105 F Y	Elifha Parker,	John Parker,	1729-30 Feb. 27 S	83	83 $\frac{1}{2}$ joining Sutton's in Harrison's Purchase.
106 F X	Ditto	Ditto.	1730 Sept. 29 S	85	159 of Harrison Purchase joins John Brown's.
107 H T		David Cofaart,	1729 May 23 S	87	100 on Sir Ev. Cameron's 2000.
108 G W		Ephraim Dunham,	1730-1 Mar. 1 S	88	100 joining Penn's, and 20 Chs. on Pafaick River.
109 F X	James Alexander, and Elifha Parker,	John Parker,	1729 Nov. 4 S	90	98 $\frac{1}{2}$ on Dead River begins at Moses Ayer's Corner.
110 F V		Dr. Wm. Beeckman,	1731 July 29 S	92	200 on Dunstar's and Tiepell's.
111 F Y	Ja. Alexander and Elifha Parker,	John Parker,	Ditto. S	93	100 in Harrison's Neck.
112 F W	Elifha Parker,	Ditto.	1731 June 23 S	93	100 in Mountains, by Judiah Higgins's Salt Ponds.
113 H T		James Alexander,	1727 Jan. 12 S	96	116 $\frac{1}{2}$ N W Corner of Lockiell's 2000 on Bound Brook.
114 I V	James Alexander,	Ditto.	ditto S	97	118 $\frac{1}{2}$ } at NE Corner of Ditto 493 $\frac{2}{3}$ behind Sonmans.
115 I V		Elifha Smally,	1736-7 Mar. 17 S	118	22 at Blue Hills on Stony Brook.
116		John Stiles,	1739 Dec. 20 S	147	120 on the W. branch of Raway.
117 G X		Nathaniel Rolph,	1740 March 28 S	147	83 in Harrison's Purchase.
118 F T		James Hooper,	1740 Odo. 18 S	174	200 at Rear Raritan Lotts, begins S. E. Corner of Margaret
119 D Y	Alexander & Dunstar	Alexander & Dunstar	1740-1 Jan. 1 S	191	1240 on the Forks of N. branch of Raritan. [Winder's
120 B Z	James Hamilton,	Andrew Hamilton,	1740 Feb. 25 S	184	875 Acres on Lamitunk North branch.
121 FXYZ	James Alexander,	James Alexander,	1741 Sept 17 S	205	785,48 Acres in six Tracts in Harrison's Neck.
122 B Y	Alexander & Dunstar	Alexander & Dunstar	1741 Odo. 15 S	224	583 on Lamitunk N. branch.
123 G T		Heirs of Hooper,	1741 Odo. 17 S	218	100 at first Mountain, joining Hooper's former Survey.
124		Phillip Cox,	1741 Odo. 23 S	206	50 on the north side of the first Mountain.
125 I Y	Ashfield's Children, by their Trustee,	R. H. Morris, in Trust for Ashfield's Estate.	1742 Odo. 8 S	265	655 on Pafaick and Dunstar.
126 H X	D. D. Dunstar,	D. D. Dunstar,	ditto S	265	655 on Pafaick, and between Morris and Alexander.
127 H X	James Alexander,	James Alexander,	ditto S	265	655 on Pafaick, and between Dunstar and Dockwra's 3000
128 K X	John, Thomas and Richard Penns.	Jo. Tho. & R. Penns,	1743 June 13 S	282	3786 joins Baker's, Barclay's, &c. below the first Mountain and upon it.
129 G W	Johnston's Extors, &c.	Johnston, Willocks, &c.	1717 June 12 2	64	300 joining Barclay's 2000 on Pafaick River.
130 G W		Peter Runyan,	1743 June 16 S	283	30 Acres on S. side of Pafaick, at the first Brook above Dockwra's upper Corner of his 3000.
131 G W		Ditto.	1743 July 6 S	285	25 Acres joining his preceding Tract.
132		Ditto.	1744 May 17 S 2		125,87 Acres begins at the N.E. side of Ambrose's Brook,
133		Joseph Rofs, and Josiah Stanbury.	1744 March 27 S 2		50 over the second Mountain.
134	Elifha Parker,	Elifha Parker,	ditto S 2		100 over Ditto.
135		Joseph Rofs,	1744 Aug. 16 S 297		100 being Part of first Mountain.
136 I W	Daniel Cooper,	Daniel Cooper,	1744 Odo. 6 S 2		25 including Green Brook Falls.

SCHEDULE N^o III. *continued.*

Numbers & Letters on Map N ^o III	Complainants, or their Assigns Owners,	To whom surveyed.	Date of the Survey. Year. Mon. Day	Book & Leaf where recorded	The Lands survey'd, and Situation.
137		Assigns of Anth. Sharp	1744 June 6	S	263,76 Acres over the second Mountain.
138		John Stelle,	1744 May 25	S	134,76 over the second Mountain.
I W					
139 K X	Alexander & Dunstar	Alexander & Dunstar	1743 O ^{ro} . 25	S	1633 each one half between the first and second Mountains.
Y					
140		Heirs or Assigns of			
		Walter Riddell,	1743 Nov. 30	S	100 on the second Mountain begins.
141		Philip Cox	1744 March 27	S	12,4 on the N. side of the first Mountain,
142 F X	James Alexander,	James Alexander,	1744 July 10	S	65,86 at Basking Ridge.
Y					
143	Elisba Parker,	Elisba Parker,	1744 May 18	S 2 14	440,52 in four Tracts over the second Mountain.
144	Ditto	Ditto.	1743 Nov. 28	S 2 98	111,55 in two Tracts over ditto.
145 K Y	Ditto.	Ditto.	1744 April 10	S 2 20	371,72 between the first and second Mountain, joins
146	Ditto.	Ditto.	1744 March 27	S 2 9	Alexander's and Dunstar's.
147 L X	Elisba Parker,	Ditto.	1744 April 3	S 2 33	126,60 over the second Mountain.
148		John Stelle,	1743 4 Mar. 9	S 302	330,7 below the first Mountain, joins Barclay's, Bakera,
149		Joseph Rofs,	1743 Dec. 5	S 2 38	Popes, &c.
150		Abraham Vantile,	1743 4 Mar. 9	S 301	57 on the N. side of the first Mountain.
151		Joseph Rofs,	1743 Nov. 15	S 297	32 on the second Mountain.
152		Adams and Irwin,	1743-4 Jan. 12	S 300	50 over ditto.
					62,87 on the first ditto.
					100 on the Top of the first ditto.

SCHEDULE, NUMB. IV.

Warrants of Survey for Lands in Newark.

To whom granted.	Date.	Recorded.	Quantity of Acres, and Observations.
Robert Lymon,	1675 May. 1	2	120 in Newark, and Meadow in Proportion.
Jasper Crain,	ditto	Ditto.	103 in ditto and ditto.
John Ward, junr.	1675 May 3	ditto	150 in Right of Henry Lyon,
Johnson,	1675 May 8	ditto	120 in ditto and ditto.
Joseph Johnson,	Ditto.	ditto	120
Edward Ball,	ditto	ditto	120
William Camp,	ditto	ditto	130
Robert Dalglish,	1675 May 16	ditto	120
Thomas Richards,	ditto,	ditto	60
George Day,	ditto,	ditto	120
John Curtis,	ditto	ditto	120
Abraham Pierfon,	1675 May 14	ditto	180
Martin Ticherin,	ditto	ditto	180
Nathaniel Whieler,	1675 June 9	ditto	120
Widow of Robert Dennis,	1675 June 10	ditto	160
Michael Smith,	1675 June 11	ditto	780 Acres of Upland, and Meadow in Proportion, in any Place within this Province,
			so much being due to him by Heads according to the Concessions.
Edwards Riggs,	1675 June 14	2	3 120 at Newark, and Meadow in Proportion.
Richard Fletcher,	ditto.	Ditto.	60
Bartholomew Goodrich,	ditto.	ditto	60
Samuel Wilson,	ditto.	ditto	180 in Right of Jeremiah Peck.
Ebenezer Canfield,	1676 May 2	2	21 60 with Meadow in Proportion, at Newark.
John Davis,	1676 May 30	2	24 60
John Johnston,	1676 O ^{ro} . 19	2	35 120 in Right of himself and Wife.
Parsonage, &c.	1676 O ^{ro} . 23	2	36 200 and Meadow for Parsonage, also so much as shall be convenient for Landing-
			Places, School-House, Town-House, Meeting-House, Market-Places, &c.
John Tichenor,	1676 O ^{ro} . 28	2	36 60 and Meadow,
Michael Tompkins, junr.	1676 O ^{ro} . 31	2	36 60
Samuel Dodd,	1676 Nov. 23	2	41 60
Samuel Harrison,	1676-7 Mar. 13	2	51 120 in Right of himself and his Brother John Harrison deceased.
Anthony Oliff,	1677 April 30	2	55 60 and Meadow.
Thomas Staples,	ditto.	2	55 60 and ditto.
John Mackensy.	1677 July 11	2	65 60 and ditto.
Thomas Lyon,	1677 Sept. 6	2	65 60 and ditto.
Thomas Brown,	1677 Nov. 22	2	67 60
John Catlin,	ditto.	Ditto	40 and ditto.
John Baldwin,	ditto.	ditto	40
Thomas Richards,	1677 Nov. 27	ditto	50 and Meadow in Proportion.
John Gardner,	1677-8 Jan. 4	ditto	60 and ditto.
Samuel Potter,	1677-8 Feb. 9	2	68 120 in Right of himself and Wife.
John Ward, junr.	1677 March 12	2	72 60
Samuel Ward,	1679	2	110 60

John

SCHEDULE N^O IV. *continued.*

To whom granted.	Date.	Recorded.	Quantity of Acres, and Observations.
John Cockburn,	1693 Aug. 15	O	103 30 Acres in Bounds of Newark.
John Curtice,	1693 Aug. 3	O	104 220 and Meadow in Bounds of Newark.
General Warrant,	1694 April 27	O	105 2020 { John Treat 60, — Days 160, R. Dennison 160, Samuel Harrison 120 John Craine 100, Joseph Johnson 60, Stephen Bond 60, Samuel Rose 60, in Right of Abraham Pierce 180, — Ticheners 60, and each 100 besides, 1000.
Another General Warrant,	1694 April 27	O	106 1900 { Samuel Plum, John Ward, senr. Right of John Catlin, Edward Ball, Right of Stephen Davis, John Morris, Right of Richard Harrison, Theo- philus Pierfon, Right of Josiah Ward, Thomas Johnson, William Camp, John Baldwin, senr. John Baldwin, junr. Samuel Huntington, Right of Eben- Canfield, Right of Samuel Canfield, Robert Dalglish, Jabes Rogers, and Samuel Freeman; to each 100 Acres within the Bounds of Newark.
Azariah and Jasper Crane,	Ditto.	O	106 150 in Newark.
John Cockburn, and J. Brown,	1695 May 18	O	131 220 in ditto.
Zophar Beech,	1695 Feb. 20	O	150 2 in ditto.
A General Warrant,	1696 April 10	O	153 2409 { Daniel Brown, Francis Lindily, Thomas Pierfon, Jonathan Tomkins, Hanse Alberts, Samuel Lyon, Samuel Kitchill, Nathaniel Wheeler, Hugh Roberts, Abraham Kitchell, Benjamin Baldwin, Thomas Richards, and Daniel Dodd, to each 100 Acres; to Jonathan Serjeant, Jonathan Sears, and Esther Bruen, each 160 Acres; William Moore 80 Acres, Hannah Thomson and Edward Riggs, each 100 Acres, Nathaniel Ward, Eliezer Lamson and Elizabeth Ogden 60 Acres, Jasper Crain 70 Acres, George Harrison 50 Acres, Hannah Bruen 26 Acres, Thomas Brown 23 Acres.
Robert Young,	1695 Feb. 20	O	154 200 Acres in Newark.

Surveys of Lands in Newark.

To whom surveyed.	Date of the Survey.	Recorded.	Quantity of Acres surveyed, and Situation, &c.
Jasper Crain,	1675 Aug. 19	2	5 168 Acres,
Mary Bond,	Ditto.	2	5 153
Robert Lymon,	ditto.	2	6 107½
Hanse Alberts,	ditto.	2	6 47
Stephen Davis,	ditto.	2	7 99½
John Ward, Turner.	ditto.	2	7 95
John Catlin,	1675 Sept. 10	2	8 120½ in 9 Parcels.
Nathaniel Wheeler,	ditto.	2	9 60 in 8 Parcels, the 7th is four Acres Meadow, by Maple Island Creek.
Edward Ball.	ditto.	2	9 78 in six Parcels.
John Baldwin,	ditto.	2	9 78 in eight Parcels, the 5th and 6th at Wheeler's Point.
John Baldwin, junr.	ditto.	2	10 44½ in seven Parcels, the fourth is his third Division near the Bound Hill, the fifth at Wheeler's Point.
Thomas Richards,	ditto.	2	10 39 in five Parcels, the last is two Acres for his second Division of Meadow at Maple Island Creek.
Aaron Blackley,	ditto.	2	11 70 in seven Parcels, the last is four Acres for his second Division of Meadow at Maple Island Creek.
Thomas Huntington,	ditto.	2	11 129 in 12 Parcels, last is 7 Acres of Meadow near Bound Creek for his 2d Division.
Matthew Canfield,		2	12 197 in 15 Parcels, the 5th and 11th are at Wheeler's Point, the 12th, 13th and 15th at Maple Island.
Hannah Freeman,	1675 Sept. 10	2	12 92 in ten Parcels, the 5th and 7th at Wheeler's Point, the last at Maple Island,
Richard Harrison,	ditto.	2	13 152 in thirteen Parcels, the 6th and 9th at Wheeler's Point.
Robert Dalglish,	1675 July 16	2	14 52½ in eight Parcels, the 5th is beyond Elizabeth-Town River.
John Brown, on Warrant,	1675 July 20	2	15 95 in eight Parcels, the 6th is beyond the first Branch of Elizabeth Town River, the last is near the Bound Creek, 6 Acres Meadow for his 2d Division.
Michael Tomkins, on ditto.	1673 May 3	2	15 63 in 8 Parcels, 6th at Wheeler's Point, 7th is bounded with Bound Creek West.
Abraham Pierfon, on ditto.	ditto	2	16 162 in 10 Parcels, the 6th, 7th, & 8th at Wheeler's Point, on Warrant 23d May 1673
John Brown, junr.	1675 June 9	2	16 69½ in 6 Parcels, the last is on Maple Island Creek, on Warrant 3d May 1673.
Samuel Swain,	1675 Aug. 28	2	17 124 in 9 Parcels, the 4th on the Hill near Henry Lyon's, on Warrant 23d May 1673.
Samuel Lyon,	1675 6 Jan. 12	2	17 81½ in 3 Parcels, on Warrant 28 May 1673, the 2d is for 65 Acres for his 2d and 3d Division, by two Mile Brook on the East, with High-Way that goes to Elizabeth-Town on the South West, and with Henry Lyon North West; his 3d Tract is for his first and second Divisions of Meadow, bounded by the Bound Creek South, and by Wheeler's Creek West, and with Rears of other Lots North.
Henry Lyon,	(1675 Nov. 9 on Warrant of 2	18	130½ in 7 Parcels, the 2d is 65 Acres, bounded with Mrs. Bond South, and by Samuel Lyon North; the 6th is 12 Meadow, at Maple Island Creek; the 7th is 12 Acres Meadow, bounded South West by Bound Creek.
Thomas Staples,	1673 May 28	2	68 85 Acres in 7 Parcels, the last by Bound Creek South West.
Thomas Johnson,	1677 Dec. 20	2	107 165 in 9 Parcels, the 7th is 19 Acres of Meadow for his first Division, bounded South by the Bound Creek, and West by the two Mile Brook.
John Davis,	ditto.	2	107 77 Acres.
John Ward, senior.	ditto.	2	108 122 in 8 Parcels, the 6th is 9 Acres Meadow, his first Division at Maple Island.
Azariah Craine,	ditto.	2	108 136 in 9 Parcels, the 6th is 50, on Branches of Elizabeth-Town River.
Anthony Oliff,	ditto.	2	108 60 Acres.
Elizabeth Ward, Widow of Josiah Ward, now Wife of David Ogden.	ditto.	2	109 107 in 10 Parcels, the 6th is on second River, the 7th is on the third River.
Daniel Dod,	ditto.	2	109 93 Acres in seven Parcels, the third is beyond second River.

SCHEDULE N^o IV. *continued.*

To whom surveyed.	Date of the Survey.	Recorded.	Quantity of Acres surveyed, and Situation, &c.
Samuel Dod,	1679 June 9	2	110 71 in five Parcels.
Elizabeth Morris,		2	110 96 in eight Parcels, the 5th is towards second River.
Alexander Monrow,		2	110 36 in four ditto, the 3d is bounded South by the Bound Creek.
Samuel Kitchell,		2	111 129 $\frac{1}{2}$ in 10 Parcels, the 5th at second River, the 6th at Maple Island, and the 8th at Wheeler's Creek.
Margaret Kitchell,		2	111 35 in four Parcels.
Thomas Pierfon,		2	111 129 in nine ditto, the 6th is at second River.
Benjamin Baldwin,		2	112 71 Acres in eight ditto, the 7th at Maple Island Creek.
Thomas Richards,		2	112 70 including 39 in Fol. 10, and says is in one Patent of July 10, 1679.
Samuel Plum,		2	113 232 in 10 Parcels, the 8th is at third River, and bounds on Great River.
Samuel Ward,		2	113 70 in three ditto, the third is at the S. E. End of Maple Island.
Francis Lindfly,	1679 June 30	2	114 147 in ten ditto, the 7th is on a Branch of Elizabeth River, 9th on Bound Creek.
Samuel Willson,		2	114 94 in 5 ditto, the 3d is on Branches of second River.
Nathaniel Ward,		2	115 64 in four ditto.
John Ward, junr.		2	115 100 Acres.
John Ward, junr. Turner.		2	115 70 in three ditto, the 3d by Maple Creek.
Joseph Harrison,		2	115 65 Acres.
John Mackensy,		2	116 68 Acres.
Samuel Potter,		2	116 134 in seven Parcels, the 5th at the Head of a Branch of Elizabeth Town River, the last on Bound Creek.
Hanse Alberts.		2	116 94 in nine ditto, including the five in Fol. 6.
John Gardner,		2	117 138 in four ditto, the 4th is 12 Acres Meadow on Maple Island Creek.
John Burwell,	1686 Nov. 30	2	117 68 Acres, 1st is on the Brook that runs into 3d River, 2d on Maple Island Creek.
William Camp,		2	118 152 in nine Parcels, the 2d is 12 Acres of Upland, and the 9th 8 of Meadow on Bound Creek, the 8th by Maple Island.
Jabez Rogers,		2	118 82 in seven ditto.
Edward Riggs,		2	119 128 in nine ditto.
John Johnston.		2	119 120 in 7 Parcels, the last is S. E. by Club Creek, and N. E. by Maple Island Creek.
Samuel Willis,		L	187 100, His Meadow bounds on the Bay E. on Sunken Meadow along Bound Creek South, and on Maple Creek West.
John Curtis, on Warrant,	1693 August 3	O	110 100 Acres.
Ditto on ditto.		O	111 60 Acres said to be sold Cornelius Roulefon, and patented in his Name.
Ditto on ditto.		O	113 60 in three Parcels.
John Cockburn, on Warrant.	1693 Aug. 15	O	130 30 his Head Land in Newark, on East side of the second River.
William Camp, on ditto.		O	135 100 in three Parcels.
John Gardner, in Right of Abraham Pierfon, on Warrant.		O	137 280 in seven ditto.
John Baldwin, on ditto.	1694 April 27	O	140 100 in two ditto.
John Baldwin, junr. on ditto.		O	140 100 in two ditto.
John Pridden, on ditto.		O	140 100 in two ditto.
John Morris, on ditto.		O	140 120 in four ditto.
Samuel Freeman, on ditto.		O	141 100 in four ditto, the second is by Elizabeth Town River.
Edward Ball, on ditto.		O	142 100 in four ditto.
Robert Dalglish, on ditto.		O	142 100 Acres.
Azariah Crain, on ditto.		O	142 100 in three ditto.
Harrison's, on ditto.		O	143 100 in two ditto, the first is in the Swamps of Elizabeth Town River.
John Cockburn, on ditto.	1695 May 18	O	143 180 Acres in five ditto, the 2d is bounded South by Maple Island Creek.
John Treat, on ditto.		O	144 60 in ditto.
Theophilus Pierfon, on ditto.		O	144 100 in three Parcels, the 2d and 3d are on Branch of Elizabeth Town River.
Samuel Rose, on ditto.	1694 April 27	O	152 160 in nine ditto.
Joseph Johnston, on ditto.		O	156 160 in 9 Parcels, the 7th is on Bound Creek, the 9th on Maple Island Creek and Club Creek.
John Treat, on ditto.		O	158 100 in eight Parcels, through the last goes Elizabeth River.
Hanse Alberts, on ditto.	1696 April 10	O	159 100 Acres.
Samuel Harrison, on ditto.	1694 April 27	O	159 116 on third River.
Jasper Crain, on ditto.	1694 April 27	O	159 120 on Branches of Elizabeth-Town River.
Robert Young, on ditto.	& 1696 April 10	O	161 200 in eight Parcels.
Hester Bruen, on ditto.	1695 Feb. 20	O	162 160 in fourteen ditto.
Martin Tichenar, on ditto.	1696 April 10	O	163 53 in seven ditto, the 2d on Maple Island Creek.
Dan. & J. Tichenar, on ditto.	1694 April 27	O	164 106 in nine Parcels, the eighth upon Bound Creek.
John Crain, on ditto.		O	164 73 in eight Parcels, the 5th by Maple Island Creek.
Jasper & Daniel Crain, on ditto.		O	165 140 in nine Parcels, the 5th by Bound Creek.
Jonathan Seers, on ditto.		O	166 160 in eight ditto, the 5th by Maple Island Creek.
Paul Day, on ditto.		O	167 87 in eight ditto, the 5th by Maple Island.
Stephen Bond, on Warrant,		O	167 160 in 12 Parcels, 4th, 5th and 7th by the Bound Creek, and 6th by Maple Island.
Jabes Rogers, on ditto.		O	168 116 in two Parcels, the 1st is on second River, and the 2d on third River.
Thomas Pierfon, on ditto.		O	169 100 in three ditto.
Samuel Dod, on ditto.	1696 April 10	O	169 100 in three ditto.
Parfonage, &c. on ditto.	1695 Nov. 11	O	169 212 and upwards, Parfonage 200, Burial-Place 3, Market-Place 3, Training Place 6, Watring Place, Streets, Hight-Street six Rods wide, others 4 Rods wide.
Thomas Gordon, on ditto.	1696 April 10	O	182 115 Acres in part of his second Division on his Propriety.
Nathaniel Wheeler,	Ditto.	O	232 100 Acres.
Samuel Plum,	1696 June 9	O	233 100 on the West Side of third River.
Nathaniel Ward,	1712 March 25	O	234 210 in Right of Dr. John Johnston, one of the Proprietors.
John Medliff,	1714 May 20	O	240 50 Acres in Right of George Willocks, Proprietor, Part of his second Dividend

John Herriman, Deputy-Surveyor.

Jonathan

SCHEDULE N^o IV. *continued.*

To whom surveyed.	Date of the Survey.	Recorded.	Quantity of Acres surveyed and Situation.
Jonathan Sayre,	1715 June 28	O	241 155 in ditto's Right, John Herriman, Deputy Surveyor.
Thomas Davis,	1712 June 2	O	242 111 in Right of John Wall, of Middletown, the last Tract on Bound Creek.
Samuel Lyon,	1696 April 10	O	243 100 Acres.
Hugh Roberts,	1696 April 20	O	243 100 the first Tract where Tide Pond Creek meets Bound Creek, and along Parsonage Meadow, the 2d at Maple Island Creek.
Robert Campbell,	1716 April 4	O	247 150 in Right of George Willocks, Proprietor; John Herriman, Deputy Surveyor.
John Burwell,	D ^o	O	248 100 in Right of D ^o Proprietor; J. Herriman, D. Surveyor.
John Brown,	1712 April 3	2	148 22 in Right of D ^o Proprietor.
William Moor, on Warrant,	1696 April 10	2	148 80 Acres, Survey performed by John Barclay March 25, 1712.
Benjamin Baldwin, on Warrant,	D ^o	2	149 100 Ditto.
Henry Norris,	1717 July 5	2	162 98 in Right of the New-Jersey Society on Elizabeth River joins Daniel Tichenar.
Jacob Arents,	1717-18 Feb. 21	2	171 73 in Right of Thomas Warne's, Propriety
Daniel Dod,	1712 April 3	2	172 50 in Right of George Willocks.
Ditto.		2	172 94 in Part of Deed of 100, from Dr. John Johnston, Proprietor.
James Brown,	1718 Aug. 22	2	174 25 in Part of a Deed of 65 Acres from Ditto.
John Wall,		2	175 97 Acres, was in Part of a Deed of 100 from Dr. John Johnston, Proprietor, John Herriman, Deputy Surveyor.
Christopher Wood,	1718 May 22	2	177 50 in Right of Dr. John Johnston Proprietor.
Dr. John Johnston,	1718 Sept. 2	2	179 407 as a Proprietor in Part of his Dividends.
Jacob Arents,	1717-18 Feb. 21	2	183 117 in Right of Thomas Warne's Propriety.
Ditto	D ^o	2	185 254 in Ditto's Right.
Adam Blackman,	1718 Sept. 1	2	187 21 in Ditto's Right.
Thomas Lyon,	1718 Nov. 9	3	188 78 Acres in Part of Deed of 100 from Dr. John Johnston, Proprietor; John Herriman, Deputy Surveyor.
James Banks,	D ^o	7	188 18 on Deed from Dr. John Johnston, Proprietor.
Jacob Arents,	1717 Feb. 21	2	193 61 in Right of Thomas Warne's Propriety.
James Browne,	D ^o	4	195 35½ in Part of a Deed of 60 Acres from Dr. John Johnston.
Ebenezer Lyon,	1718 Mar. 16	2	199 48½ On Elizabeth River, in Newark Bounds, in Right of John Harrison, Proprietor.
Christopher Wood,		2	199 24 on ditto, in ditto, in Right of James Alexander; Plumsted's Propriety.
Joseph Thomson,	D ^o	19	200 24 in Right of Dr. John Johnston, Proprietor.
Joseph Crain,	1719 March 28	2	202 92 on a Deed of 700 from New-Jersey Society.
Thomas Lyon,	1720 Jan. 12	S	210 3 Acres in Part of his Deed of 100 from Dr. John Johnston; J. Herriman D. Surv.
ditto,	D ^o	28	210 11¼ in D ^o John Herriman, Deputy Surveyor.
John Wall,	1721 May 20	S	211 119¼ on Deed from Hamilton and Alexander, Proprietors; J. Herriman, D. Surv.
ditto,	D ^o	27	212 103¼ on D ^o 's Right, being under Gawen Lawrie.
Thomas Lyon,	1721 July 18	S	214 8¼ in Right of his Deed before from Dr. Johnston.
John Wall,	1721, Odo. 9	S	216 42½ on Hollinshead's Right.
Arent Schuyler,	1721 Nov. 15	S	218 159½ on New-Jersey Society's Deed of 400 to Michael Kearney.
Andrew Johnston,	D ^o	30	220 96 in Right of Walter Riddall, formerly Ackman's Share of Propriety.
Thomas Pierfon,	1721 Dec. 11	S	220 57 on New-Jersey Society's Deed of 400 to Kearney.
John Wall,	D ^o	S	221 7¼ on Hollinshead's Right,
Jacob Arents,	D ^o	15	223 67½ on Thomas Warne's Propriety.
ditto.	1720 Feb. 16	S	224 73¼ on D ^o
John Walls,	1721 Jan. 6	S	227 10 on Hollinshead's Right of Propriety.
Jacob Arents,	1721 Feb. 13	S	229 24 on Warne's Propriety.
John Walls,	D ^o	19	231 32½ on Hollinshead's Right.
Jacob Freeland,	D ^o	24	234 57 in Right of Dr. John Johnston.
Jacob Arents,	1722 April 27	S	237 50 on Deed of 200 from Hamilton and Alexander, under Lawrie.
John Walls,	1723 Sept. 22	S	242 19 on Hollinshead's Right.
D ^o	1724 June 29	2	246 22 on Alexander's Right under Lawrie, J. Herriman, Deputy Surveyor.
D ^o	D ^o	2	246 1¼ on Ditto's Right, Herriman D. Surveyor.
Shipman and Ball,	1724 Dec. 29	2	248 45½ on Alexander's Right, under Sir Evan Cameron.
Josiah Ogden,	D ^o	2	252 15½ on Ditto's Right.
D ^o		2	252 46½ on ditto's Right.
D ^o		2	253 10¼ on ditto's Right.
Hugh Roberts,		2	253 100 on ditto's Right, on the West side of Elizabeth-Town River.
John Walls,	1726 May 4	2	258 20 on Hollinshead's Right.
Thomas Richard,		2	262 11½ on Alexander's Right, under Sir Evan Cameron.

Elizabeth

SCHEDULE N^o IV. *continued.*

To whom surveyed.	Date of the Survey.	Recorded.	Quantity of Acres surveyed, and Situation, &c.
Elizabeth Lyon,	1726 Sept. 27	2	263 6 in Right of Dr. John Johnston.
Thomas Lyon,	1726 Feb. 3	2	266 3 $\frac{1}{2}$ on ditto's Right.
John Walls,	1720 March 29	S	7 110 begins at a W.O. by Elizabeth River, in Right of Gawen Lawrie's Propriety.
Ditto.	1720 Aug. 9	S	8 3 a Piece of Meadow by Jos. Bonds, lying in Bound Creek in Right of Dr. Johnston.
Jos. Crane, son & heir of Jasper.	1720 April 20	S	8 120 Acres in Right of the New-Jersey Society, D. Dod, Deputy.
Capt. John Morris,	1720 May 2	S	8 59 $\frac{1}{2}$ on a Bend of the third River, in Right of Lawrie's Propriety.
Hannah Webb,	D ^o	S	9 11 on Right of Dr. Johnston.
Jacob Vreeland,	1719 March 27	S	10 182,8 to the Eastward of the third River, in Right of Johnston and Alexander.
Col. Josiah Ogden,	1724 April 24	S	40 10 $\frac{1}{2}$ on Alexander's Right, under Sir E. Cameron.
Ditto.	ditto	ditto	10 $\frac{1}{2}$ on Ditto's Right, lying on Elizabeth River.
ditto.	ditto	S	41 14 $\frac{1}{2}$ on ditto's Right, David Ogden, Deputy.
ditto.	1724 June 9	ditto	7,80 on ditto's Right, David Ogden, Deputy.
ditto.	1724 April 24	S	42 14 on ditto's Right.
ditto.	D ^o		42 61 $\frac{3}{4}$ on ditto's Right.
ditto.	D ^o		43 36 $\frac{1}{2}$ on ditto's Right.
John Walls,	1724 June 25	ditto	124 $\frac{4}{8}$ on Alexander's and Hamilton's Right, under Lawrie.
ditto.	ditto.		44 83 $\frac{3}{8}$ on ditto's Right.
ditto.	ditto.	ditto.	2 $\frac{1}{2}$ on ditto's Right.
ditto.	ditto.	ditto.	11 $\frac{1}{8}$ on ditto's Right at Maple Island,
Benj. Shipman, & John Ball,	1724 Dec. 29	S	45 43 $\frac{1}{4}$ on Ogden's Right, under Alexander.
Jacob Arents,	1723 June 1		48 31,16 in Right of Warn's Propriety.
ditto.	1724 June 25	ditto	81,7 in Right of Alexander and Hamilton, being under Lawrie.
John Walls,	1725 April 26	S	49 13,34 in Right of John Parker.
Joseph Crain,	1724-5 Feb. 27	ditto.	21 $\frac{1}{2}$ in Right of his Father Jasper, under New-Jersey Society,
John Walls,	1726 May 14	S	52 2,37 in Right of John Parker.
ditto.	D ^o	ditto	50,74 in Right of Alexander,
			28,63 in Right of Parker.
Joseph Crain,	1724 Dec. 18	S	53 120 in Right of the New-Jersey Society, Daniel Dod, Deputy:
Jacob Arents,	1727-8 Feb. 9		57 104 in Newark Bounds.
John Brewin,	1727 Sept. 27		59 38 in Right of Ogden, under Burnet.
Nathaniel Williams.	1727, Octo. 12		60 64,9 in Right of ditto under Alexander.
Samuel Davis.	1727 May 12		60 10,36 in Right of ditto.
ditto.	1727 Octo. 25		61 10,6 in ditto's Right.
Jacob Arents,	1728 May 9		63 24,65 in Right of Hamilton and Alexander.
			1,06 in Right of Thomas Warne.
ditto.	1726 May 16		63 150,35 in Right of Hamilton and Alexander:
ditto.	1728 May 9		64 10,3 in Ditto's Right.
ditto.	1728 June 13		65 28 $\frac{1}{2}$ in Right of Warne's Propriety.
John Walls,	1727 July 5		66 6,83 in Right of ditto, and Part $\frac{3}{8}$ in Right of Hamilton and Alexander.
Josiah Ogden,	1727 Sept. 27		66 84,17 in Right of Alexander.
Jacob Arents,	1728 Nov. 26		76 28 $\frac{1}{2}$ in Right of Thomas Warn,
D ^o	1726 May 16		77 36,42 in Right of ditto.
D ^o	No Date.		78 191 $\frac{1}{8}$ in Right of ditto; at Bottom says, <i>Also a Tract of Land on the Eastward Part of the Township of Newark, beginning; and goes no farther, and not signed by the Surveyor General.</i>
D ^o	1729 Sept. 1		78 10 in Right of Warne's Propriety.
Josiah Ogden,	1729 Nov. 1		79 354,8 in Right of Burnet.
Jacob Arents,	1726 May 16		80 191,34 in Right of Warn; the same as first in Fol. 78 before.
Daniel Dod,	1730 April 8		84 4 in Right of John Johnston, Esq;
John Walls,	1727 Dec. 1		91 19 $\frac{1}{2}$ in Right of Ralph under Lochiel.
Jacob Arents,	1731 Aug. 12		95 15,4 in Right of a former Mistake.
			15,8 in Right of Warne, Proprietor.
Ditto.	D ^o 13	S	95 27 $\frac{1}{2}$ Correction of a former Mistake.
			3,4 in Right of Warne.
Ditto.	1731 Nov. 12		96 10,45 in Right of Thomas Warne.
Nathaniel Camp,	1733 June 2		99 6,22 in Right of Alexander, near Maple Island.
Samuel & Josiah Baldwins,	1734 May 14		105 25 in Right of George Willocks.
Joseph Crain.	1735 July 14		110 268 in several Tracts, the second said to be in Bounds of Newark.
Jacob Arents,	1735 Aug. 7		113 4,34 in Right of Warn, being a Piece of Meadow in Newark great Meadows.
John Low,	1736 June 4		117 3 in Right of Rockhead, on No. side of first River.
J. Vanderpool & Abigail Davis	1740 Sept. 26		254 7 $\frac{1}{8}$ in Right of Alexander.
Josiah David, &c. Ogdens.	1743 July 14		286 52,74 in Right of ditto, at Plums Point.

Patents in Newark.

Patentees.	Date of the Patents.	Recorded.	Quantity of Acres, Situation, and other Observations.
Jasper Crain,	1675 Aug. 25	1	136 168 Acres. House Lot 14 Acres, 17 his first Division on great Neck, 11 Acres in Part of his second Division on said Neck, 6 Acres on said Neck, 4 Acres at the Bottom the Neck, 20 Acres for his second Division by two Mile Brook, 26 Acres his third Division by Head of Mile Brook, 20 Acres of his third Division at the Head of the Branch of second River, 14 Acres of Meadow for his first Division at Great Island, 12 Acres of Meadow for his second Division by the Great Pond, 14 Acres for his Proportion of Boggs, 5 Acres of Meadow near the Great Island, one Acre of Meadow at Beef Point, 4 Acres of Meadow near Wheeler's Point, yielding one half Penny lawful Money of England, or in such Pay as the Country doth produce at Merchants Price for every of the said Acres, the first Payment to begin the 25th of March, which was in the Year 1670.

SCHEDULE, N^o IV. *continued.*

Patentees.	[Date of Patents.]	Recorded.	Quantity of Acres, Situation, and other Observations.
Hanse Alberts, Mary Bond,	1675 Sept. 10	1 136	47 Acres in 6 Pieces.
Robert Lymon,		1 137	153 Acres in eight Pieces, the 6th is eight Acres of Meadow, bounded with the Bound Creek on the West.
Stephen Davis,		1 138	107½ in 7 Pieces, the last is 5 and a half Acres of Meadow, on Maple Island Creek for his second Division.
John Ward, Turner.		ditto	99 in 10 Pieces, whereof the last is two and a half Acres of Meadow, near the Bound Creek, part of his second Division.
John Catlin,	1675 Sept. 30	1 139	95 in ten Pieces.
Nathaniel Wheeler,		1 140	120½ as appears by Surveyors Certificate upon Record in Fol. 8.
Edward Ball,		ditto	60 in eight Parcels, as Surv. Gen. Certificate in Fol. 9.
John Baldwin,		ditto	78 in six ditto, as in Fol. 9.
John Baldwin, junr.	1675 Mar. 14	1 141	78 in eight ditto, as in Fol. 9.
Thomas Huntington,		ditto	44½ in seven ditto, as in Fol. 10.
Mathew Canfield,		ditto	129 in twelve ditto, as in Fol. 11
Aaron Blackly,		1 142	197 in fifteen ditto, as in Fol. 12
Hannah Freeman,	1676 March 26	1 142	70 in seven ditto, as in Fol. 11
Richard Harrison,		1 143	92 in ten ditto, as in Fol. 12.
Abraham Pierfon,		1 143	152 in thirteen ditto, as in Fol. 13
John Brown,		1 144	162 in ten ditto, as in Fol. 16.
John E. own, jun.	D ^o 25	1 144	95 in eight ditto, as in Fol. 15.
Robert Dalglish,		1 145	69½ in six ditto, as in Fol. 16
Michael Tomkins,		ditto	52½ in eight ditto, as in Fol. 14.
Samuel Swain,		ditto	63 in eight ditto, as in Fol. 15
Samuel Lyon,	ditto	1 146	124 in nine ditto, as in Fol. 17.
Henry Lyon, of Eliz. Town.	ditto	ditto	81½ in three Parcels, wherein the 3d is 10 and a half Acres Meadow near Bound Creek, by the side of Wheeler's Creek, bounded by Bound Creek South, and Wheeler's Creek West; the second Parcel is bounded N.W. by Henry Lyon.
		ditto	130½ in Newark, in seven Parcels, as in Fol. 18.

SCHEDULE, NUMB. V.

Warrants of Survey in Piscataway.

Grantee.	Quantity of Acres.	Date. Mon. Day Year.	Recorded	Grantee.	Quantity of Acres.	Date. Mon. Day Year.	Recorded
Francis Drake,	180, and Meadow, in Proportion.	June 12 1675	2	Richard Bishop.	60, and Meadow,	Feb. 16 1677	2 69
George Drake,	120 and Meadow,	ditto.	2	John Smally, jun.	120, and ditto.	ditto.	2 69
Edward Slater,	150, and ditto.	April 7 1676	2 20	Samuel Walker,	240, and ditto	Feb. 25 1677	2 69
Samuel Moore,	180, and ditto,	ditto.	2 20	Vincent Rognion.	120, and ditto	Feb. 26 1677	2 69
Hopewell Hull,	Ditto,		2 20	George Jewell,	60, and ditto,	ditto.	2 69
John Martin, jun.	120, and ditto,	April 8 1676	2 21	Timothy Carle,	D ^o	March 6 1677	2 70
John Martin, sen.	ditto,		2 21	Peter Billiow,	D ^o	Mar. 15 1677	2 70
James Godfry,	ditto,		2 21	Thomas Blackshaw,	120, and Meadow,	ditto.	2 70
Samuel Dole,	100. and ditto.	April 28 1676	2 21	Jasper Taylor.	60, and ditto	ditto.	2 70
Benjamin Hull,	120, and ditto,	ditto	2 21	John Fitzrandolph,	120, and ditto	Mar. 19 1677	2 70
Benajah Dunham,	ditto		2 29	John Jones,	D ^o	Mar. 22 1677	2 70
Nicholas Munday,	ditto	Aug. 8 1676	2 29	John Kerry,	60, and ditto,	May 30 1678	2 77
Henry Greenland,	300, and ditto		2 29	Benajah Dunham,	D ^o	July 1 1678	2 87
John Gilman,	200, and ditto	Oct. 7 1676	2 30	Judiah Higgins,	D ^o	1678	2 90
Charles Gilman,	240. and ditto	ditto	2 30	John Gilman,	D ^o	Oct. 24 1678	2 97
Simon Brinley,	100, and ditto	Oct. 10 1676	2 33	John Hard,	120, and ditto	Dec. 20 1678	2 102
Samuel Walker,	A Plot for a Mill, and 60 and Meadow.	Mar. 10 1676	2 51	Piere Billiew,	60, and ditto	Feb. 3. 1678	2 102
Jeffrey Manning,	180, and Meadow,		2 52	Robert Vanquillen,	200, and ditto	Feb. 4 1681	2 132
Elizabeth Fitzrandolph	300, and ditto		2 52	Rene Piat,	70	May 25 1681	2 136
John Fitzrandolph,	60, and ditto	Mar. 21 1676	2 52	Jabez Hendrick,	30	Feb. 2 1681	2 143
Daniel Hendricks,	120, and ditto		2 52	Francis Drake,	120, and ditto	Feb. 28 1681	2 146
Mary Higgins, <i>Widow</i> of Richard.	180, and ditto	April 7 1677	2 53	Mathew Giles,	120, and ditto	Aug. 4. 1685	L 28
Nicholas Bonham,	120 and ditto		2 53	Edward Slater,	200	Aug. 27 1685	L 37
Andrew Wooden,	60, and ditto	April 6 1677	2 53	John Gilman,	300	Sept. 5 1685	L 38
Rehoboth Gannet,	120, and ditto	April 6 1677	2 53	Judiah Higgins,	80	Sept. 19 1685	L 38
Michael Simons,	ditto		2 53	John Drake,	80	Jan. 13 1685	L 49
Henry Greenland,	ditto	April 20 1677	2 53	Jeffrey Manning,	100	ditto	L 49
Jabez Hendricks,	ditto	June 16 1677	2 61	John Fitzrandolph,	100	Jan. 15 1685	L 49
Thomas Farnworth,	ditto	Jan. 9 1677	2 67	Alexander Adam,	150	Jan. 13 1685	L 49
Daniel Lippington,	ditto	D ^o	2 67	Edmond Dunham,	100	Jan. 17 1685	L 49
George Winkfield,	60, and ditto		2 68	John Gillman, jun.	100	Jan. 15 1685	L 50
Samuel Hull,	120, and ditto	Jan. 30 1677	2 68	Hopewell Hull,	100	Feb. 11 1685	L 54
William Sutton,	ditto		2 68	Thomas Higgins,	100	ditto.	L 54
Hugh Dun,	ditto	June 1673	2 69	Charles Gillman,	100	ditto	L 54
				John Smally, sen.	100	ditto	L 54
				John Smally, jun.	100	ditto	L 54
				George Drake,	100	ditto	L 54
				John Martin, senr.	100	ditto	L 54

Francis

SCHEDULE N^o V. *continued.*

Grantee.	Quantity of Acres.	Date.		Recorded		Grantee.	Quantity of Acres.	Date.		Recorded	
		Mon.	Day.	Year.	Li. Fol.			Mon.	Day.	Year.	Li. Fol.
Francis Drake,	100	Feb.	12	1685	L 54	Benj. Fitzrandolph	100	May 20	1690	O	47
John Martin, jun.	100		11		L 54	Hezekiah Bonum	100	April 4	1694	O	105
John Smally, jun.	100		11		L 55	Benj. Fitzrandolph	100			O	105
William Sutton,	125		11		L 55	Tho. Fitzrandolph	100			O	105
John Johnston,	450	Mar.	12		L 66	Hugh Dun	100			O	105
Samuel Moore	280		17		L 68	Samuel Dotie	100			O	105
Samuel Hull,	80	June 11	1687	L 144		Rehoboth Gannit	100			O	105
John Gilman,	7½ Meadow,	Mar.	8		L 189	John Longstaff	160			O	105
James Giles	100	April 13	1688	L 192		Hugh Dun's Widow	160 & 5 Meadow,	Feb. 20	1695	O	154
Benjamin Hull	350	June 14		L 205		Edward Slater	100	April 10	1696	O	154
Benjamin Fitzrandolph	30	May 20	1690	O	36						

Surveys of Land in *Piscataway.*

To whom surveyed,	Quantity.	Date.		Recorded		To whom surveyed.	Quantity.	Date.		Recorded	
		Mon.	Day.	Year.	Lib. Fol.			Mon.	Day.	Year.	Lib. Fol.
Henry Greenland,	132	Mar.	9	1677	2 71	Jeffrey Manning,	100			L	207
Hugh Dun,	138		8	1678	2 71	Alexander Adams,	150			L	208
Capt. Francis Drake,	245		12	1677	2 71	Samuel Hull,	80			L	222
George Drake,	124		9	1677-8	2 72	Benjamin Hull,	350	Mar. 14	1688	L	236
George Jewel,	95		14		2 73	John Smally, jun.	100		10 1688,9	O	10
Vincent Rognion,	154½		16		2 74	Joseph Martin,	60		15 1689	O	11
Andrew Wooden,	67		17		2 74	Thomas Higgins,	50			O	41
William Sutton,	124½		18		2 75	Benj. Fitzrandolph,	30			O	47
John Smally, sen.	118½		11		2 75	George Drake,	200			O	84
John Smally, jun.	115		11		2 75	Thomas Gordon,	110			O	91
Hopewell Hull,	184		11		2 76	John Mollison,	100			O	109
Timothy Carle,	63		12		2 76	Samuel Walker,	120			O	113
Michael Simmons,	134½		10		2 77	Robert Wright,	86			O	114
George Winfield,	63		9		2 77	Thomas Higgins,	3			O	114
John Fitzrandolph,	125		9		2 78	Walter Robertson,	100			O	115
Nicholas Munday,	101½		9		2 78	Joshua Perine,	30			O	116
John Martin, sen.	134		8		2 79	John Drake,	30			O	120
John Martin, jun.	130		7		2 79	Elizabeth Bonham,	100			O	121
Simon Brindley,	90		8		2 80	Daniel Hendrick,	100			O	121
Benjamin Hull,	148		22		2 80	Samuel Dotie,	100			O	121
Samuel Doty,	152½		15		2 80	Widow of Je. Manning	200			O	122
Charles Gilman,	240		8		2 81	Rehoboth Gannit.	100			O	122
Edward Slater,	164		14		2 81	Benj. Fitzrandolph.	100			O	122
Jabez Hendricks,	120		14		2 82	Tho. Fitzrandolph,	100			O	123
John Longstaff,	200		13		2 82	John Longstaff,	100			O	123
Daniel Lepinton,	129		15		2 83	John Steward,	125	Aug. 15	1693	O	149
Samuel Hull,	64		17		2 83	Widow Dun,	165	April 10	1696	O	154
Daniel Hendricks,	95		14		2 83	Edward Slater,	100	D ^o		O	154
Richard Smith,	164				2 84	John Mollison,	500	June 11	1701	O	208
James Godfrey,	34½		19		2 84	Clerkson and Mollison	180		7 1702	O	222
Thomas Farnsworth,	106				2 85	John Mollison,	440	April 8	1703	O	222
Eliz. Fitzrandolph,	277		7		2 85	Lane & N. Jersey Society	275			O	231
Nicholas Boneham,	122				2 86	John Harrison,	10	May 13	1718	2	155
Benajah Dunham,	103½		8		2 86	Samuel Leonard,	49½	Aug. 21		2	170
Jeffrey Manning,	95		10		2 86	John Parker,	28½	Jan. 8	1724,5	2	250
Mary Higgins,	254		8		2 87	John Pittinger,	124¼	Sept. 25	1724	2	255
Rehoboth Gannet,	124			1678	2 88	Benjamin Still,	30		26 1726	2	264
Henry Greenland,	252			1679	2 130	D ^o	55	May 20		2	265
James Giles,	180			1679	2 131	Hugh Dun, jun.	9½	Sept. 26		2	266
Peter Billiow,	210			1679	2 131	John Pittinger.	12	May 17	1727	2	267
Edward Slater,	200	Jan.		1685	L 93	Mary Runion,	57	June 20	1724	S	39
John Smalley, sen.	100	Feb. 14			L 95	John Harrison,	22½	Sept. 25	1723	S	53
John Martin, jun.	100		11		L 95	John Drake,	8½	Dec. 12	1717	S	54
Hopewell Hull,	100				L 96	Nathaniel Manning.	26½	Sept. 26	1728	S	68
John Martin, sen.	100				L 97	Edmund Dunham,	62½	Mar. 9	1728,9	S	69
Jediah Higgins,	80	Sept. 10		1686	L 112	Benjamin Still,	12		11	S	69
Thomas Bartlet,	70	June 6		1684	L 115	David Fitzrandolph,	58		D ^o	S	70
Thomas Lowry,	70		6		L 115	Louzada,	4¾		D ^o	S	71
George Drake,	100	Feb. 11		1685	L 117	Grub,	13¾				
William Sutton,	125		20	1686	L 126	Smalley,	52				
Samuel Moore,	280				L 150	Pound,	24½		D ^o	S	72
John Fitzrandolph,	100	July 2			L 165	Clauon,	26½		D ^o	S	73
Edmond Dunham,	100				L 166	Smack,	24				
John Gilman, sen.	300				L 172	Elisha Smally,	30	Sept. 22	1726	S	74
Benjamin Clark,	275				L 195	Benj. Manning,	30		26	S	81
Mathew Giles,	120				L 195	David Corriel,	31½		9 1730	S	84
James Giles,	100				L 195	John Drake, &c.	410	April 10	1731	S	87
Charles Gilman,	100				L 207						John

SCHEDULE N^o V. continued.

To whom surveyed,	Quantity.	Date Mon. Day Year.	Recorded Lib. Fol.	To whom surveyed,	Quantity.	Date Mon. Day Year.	Recorded Lib. Fol.
John Thomas,	32	May 3 1729	S 92	David Corriel,	36	May 1 1740	S 148
Jonathan Martin,	100	26 1733	S 101	John Longstaff,	11½	July 14	S 165
Joshua Smalley,	10½	Mar. 20 1734	S 109	Charles Willson,	9	Aug. 14	S 169
Edmond Dunham,	46	Dec. 5 1735	S 109	Da. Coriel,	9	Octo. 12 1742	
D. and Jonathan Fitzrandolph,	193	Mar. 18 1735	S 114	Mollison Fitzrandolph	14	Mar. 9 1743	S
Samuel Walker,	20	April 14 1737	S 119	Da. Drake,	267	D ^o	S
David Corriel,	21	Aug. 18 1739	S 136	Peter Wooden,	55	May 30 1744	S
Benjamin Gröffe,	29½	Feb. 29 1739	S 138	John Stelle,	11,54	Mar 24 1743	S
Ebenezer Drake,	8	22	S 145	David Faurot,	64	D ^o	S
	20						

Patents for Lands in Piscataway.

Patentee.	Quantity.	Date	Recorded	Patentee.	Quantity.	Date	Recorded
Henry Greenland,	132	April 30 1678	2 1	Dr. Henry Greenland,	132	April 30 1678	A 404
George Jewell,	95	June 12	2 4	Benjamin Hull,	72	Sept. 27 1686	A 409
Eliakam Higgins,	254	Aug. 13	2 7	Judiah Higgins,	80	13	A 418
Edward Slater,	164	July 30	2 7	George Drake,	100	Dec. 15	B 29
Simon Brindley,	90		2 8	William Sutton,	125	Mar. 25 1687	B 95
George Winfield,	62½		2 8	Samuel Moore,	180	Octo. 18	B 188
Vincent Ronyon,	154½	20	2 8	John Fitzrandolph,	100	Feb. 2	B 256
Timothy Carle,	63	30	2 8	Edmond Dunham,	100	Jan. 2	B 279
Thomas Farnsworth,	106		2 9	D ^o	103	2	B 283
Charles Gilman,	240		2 9	John Gillman, sen.	300	27	B 295
Hugh Dunn,	138		2 9	Mathew Giles,	120	April 27 1688	B 363
Francis Drake,	245		2 9	Benjamin Clarke,	180	27	B 373
George Drake,	124		2 10	James Giles,	100	25	B 375
James Godfrey,	34½		2 10	John Longstaff,	200	June 1688	B 443
Benajah Dunham,	103½	Sept. 30	2 11	Alexander Adams,	100	25	B 446
Doty Samuel,	142	Octo. 10	2 12	Jeffrey Manning,	100	April 26	B 454
Daniel Lepington,	129	Sept. 10 1678	2 12	Joseph Fitzrandolph,	175	May 10	B 513
John Longstaff,	200		2 12	John Fitzrandolph,	95	10	B 516
Elizabeth Fitzrandolph	277		2 13	Benj. Fitzrandolph,	112	10	B 517
John Fitzrandolph,	125		2 13	Thomas Fitzrandolph,	20	10	B 519
Richard Smith,	164		2 13	Samuel Hull,	80	10	B 520
Michael Simons,	134½		2 14	Charles Gillman,	100	10	C 18
William Sutton,	124½		2 14	Joseph Martin,	60	10	C 82
Andrew Wooden,	67		2 14	John Smalley, junr.	100	June 25	C 111
Daniel Hendricks,	95		2 14	Benjamin Hull,	350/250 100	July 2	D 60
Jeffrey Manning,	95		2 15	Thomas Higgins,	100	26 1693	E 95
John Martin, sen.	134		2 15	Samuel Walker,	120	May 16 1694	E 108
John Martin, junr.	130		2 16	Walter Robertson,	100	24	E 123
Nicholas Munday,	101½		2 16	Samuel Blackford,	100	Aug. 16 1695	E 303
John Smalley, sen.	118½		2 16	John Longstaff,	100	Sept. 4 1694	E 380
John Smally, junr.	115		2 17	Thomas Fitzrandolph,	100	4	E 382
Jabez Hendricks,	120		2 17	Samuel Dotie,	100	Octo. 3 1695	E 429
Benjamin Hull,	148		2 17	Daniel Hendricks,	100	2	E 431
Hopewell Hull,	184		2 18	Elijah Bonum,	100	2	E 440
Samuel Hull,	64		2 18	John Drake,	80	3	E 441
Nicholas Bonham,	122		2 18	Andrew Wooden,	67	1	E 448
Rehoboth Gannit,	124		2 19	Benj. Fitzrandolph,	100	7	E 452
James Giles,	150	Jan. 6 1681	2 45	Hepsebah Manning,	80	7	E 452
Henry Greenland,	252	Sept. 20 1681	2 46	Hepsebah Manning,	120	3	E 454
William Sutton,	124	Feb. 17 1685	A 285	Rehoboth Gannit,	100	Sept. 4 1694	E 475
John Smalley, jun.	115	June 21 1686	A 347	Hezekiah Bonham,	182	May 1 1697	F 374
John Martin, jun.	100	July 22	A 352	Thomas Webster,	60	1	F 393
John Martin, sen.	100		A 353	Edward Slater,	156	Sept. 29	F 462
John Smalley, sen.	100		A 355	John Martin,	125	Jan. 6	F 522
Hopewell Hull,	100	19	A 356		60		
Edward Slater,	200	18	A 358				
John Robinson,	1660	May 1	A 394				

SCHEDULE, NUMB. VI.

Warrants of Survey in Perth-Amboy.

Grantee.	Quantity.	Date	Recorded	Grantee.	Quantity.	Date	Recorded
Thomas Rudyard,	Two 18 Acres Lots.	Nov. 30 1685	L 48	Thomas Gordon,	6	Feb. 1 1685	L 53
Andrew Hamilton,	10 Acres adjoining to his other.	Jan. 15	L 50	John Forbes,	His Proportion,	Mar. 11.	L 65
Peter Sonmans.	30	19	L 51	Elizabeth Gibfon,	Her Proportion, being Right of one 24th,	July 10 1686	L 98

Clement

SCHEDULE N^o VI. continued.

Grantee.	Quantity of Acres.	Date. Mon. Day. Year.	Recorded Li. Fol.	Grantee.	Quantity of Acres.	Date. Mon. Day. Year.	Recorded Li. Fol.
Clement Plumsted,	His Proportion being the Right of one 24th.	July 10 1686	L 98	John Brown,	1 Acre Lot,	April 30 1694	O 118
Thomas Hart,	ditto	10	L 99	Thomas Gordon,	2 Lots,	10 1696	O 151
Thomas Cooper,	His Proportion being the Right of one 48th.	10	L 99	West New Jersey Society	3 Lots,	June 6 1701	O 191
Walter Benthall,	ditto	10	L 99	Col. Andrew Hamilton	6 Acres,	6	O 192
Thomas Barker,	His Proportion being the Right of one 24th.	10	L 100	George Willocks,	4 Acres,	Feb. 11 1685	L 54
Robert Barclay,	His Proporti. of Amboy	10	L 123	David Lyel,	1 Bank Lot,	June 6 1701	O 191
Peter Sonmans,	ditto	May 20 1687	L 143	Miles Forster,	ditto.	6	O 191
Andrew Hamilton,	ditto	23	L 145	Robert Cole,	1 Lot,	6	O 191
Peter Sonmans,	120	19 1689	O 22	William Hodgson,	1 Town Lot,	6	O 191
John Carrington,	1 Acre Lot.	Aug. 14 1693	O 103	Robert Smith,	ditto.	6	O 191
				William Young,	ditto.	6	O 191
				George Willocks,	3½ Acres.	6	O 191

Surveys of Land in Perth-Amboy.

To whom surveyed,	Quantity.	Date. Mon. Day. Year.	Recorded Lib. Fol.	To whom surveyed,	Quantity.	Date. Mon. Day. Year.	Recorded Lib. Fol.
John Campbell,	12	Mar. 7 1684	L 36	Col. And. Hamilton,	One Lot,	May 20 1687	O 171
Peter Sonmans,	46	Jan. 20 1685	L 63	Thomas Warne,	ditto.		O 171
Andrew Hamilton,	20	Mar. 3 1685, 6	L 80	Jeremiah Bafs,	ditto.		O 176
Wm. Haige in Full of Lowrey's Proportion.	13	No Date.	L 116	George Willocks,	ditto		O 180
Robert Barclay,	25	Mar. 2 1686	L 121	John Brown,	2 ½	April 21 1716	Az 27
Thomas Rudyard,	25	Nov. 18 1685	L 146	Andrew Johnston,	1 ½	Sept. 22 1719	S 11
Thomas Hart,	25	Dec. 12 1686	L 147	James Alexander,	¾ of an Acre.	29	S 11
Andrew Hamilton,	1 ½	May 24 1687	L 175	Col. And. Hamilton	120		O 194
Peter Sonmans,	46	20	L 194	ditto.	39 and sundry Lots,		O 195
Clement Plumsted,	12 ½		L 219	ditto.	6		O 198
Thomas Cooper,	A Lot,		O 58	New-Jersey Society,	3 Lots,		O 204
Thomas Barker,	D ^o		O 59	Michael Haudon,	2 Lots		O 216
Walter Benthall,	D ^o		O 62	George Willocks,	No Quantity,		O 219
Clement Plumsted,	D ^o		O 63	ditto.	2 Lots,		O 220
George Keith,	D ^o		O 84	Thomas Cooper,	A Bank Lot.		O 222
John Johnston,	D ^o		O 85	John Barclay,	1 Lot,		O 222
Thomas Gordon,	D ^o 9		O 90	Eli. Parker & Ad. Hude	2 Lots.		O 246
William Penn,	25		O 101	George Willocks,	6 ½		O 249
John Brown,	1 Lot,		O 118	Benj. Clark,	18	Mar. 5 1685, 6	L 122
James, Earl of Perth.	6 ½ and a Lot		O 128	George Willocks,	4	Feb. 2	L 138
Lord Neil Campbell &c.	Their Proportion of Amboy, & 2 Lots.		O 131	James Miller,	1	June 26 1687	L 155
John, Viscount of Melfort,	9 ½		O 132	Benjamin Griffith,	1		O 102.
John Carrington,	1 Lot,		O 135	John Johnston,	A Town Lot,		O 200
George Willocks,	10 Acres,		O 146	Miles Foster,	ditto		O 201
Thomas Gordon,	2 Lots, & 5 Acres,		O 152	John Johnston,	ditto		O 209
				Thomas Gordon,	7 Lots.		O 218
				John Ried,	A Lot.		O 220
				Thomas Carnes,	One half of Lot.		O 224

Patents for Lands in Perth-Amboy.

To whom Patented.	Quantity.	Date	Recorded	Patentee.	Quantity.	Date	Recorded
Gawen Lowry,	20 Acres and 2 Lots,	Mar. 15 1685	A 349	Augustine Gordon, Son	1 Lot and 12 ½ Acres,	May 24 1690	D 235
William Haige,	13 Acres,	Sept. 13 1686	A 413	of Robert of Cluny,	8 ½ Acres, and 1 Lot,	24	D 236
Robert Barclay,	25	Dec. 24 1686	B 41	Sir Evan Cameron,	1 Lot,	24	D 327
Dr. James Willox,	4	April 16 1687	B 99	John Johnston,	1 Lot and 9 Acres,	24	D 340
Peter Sonmans,	1 Ch. broad 8 ½ long	Nov. 5	B 180	Thomas Gordon,	1 Lot,	Nov. 2 1692	E 12
Thomas Hart,	25	June 25	B 181	Thomas Barker,	1 Acre Lot,	Feb. 6	E 27
John Campbell,	12	Nov. 3	B 184	Clement Plumsted,	ditto.	6	E 28
Andrew Hamilton,	21 ½ Acres.	Jan. 2	B 278	Thomas Cooper,	ditto	6	E 29
Thomas Rudyard,	25	Mar. 25	B 293	William Penn,	A Town Lot 8 Ch. long & 6 Rod wide, & 25 Acres.	May 16 1693	E 45
Peter Sonmans,	46	April 27 1688	B 378	J. Carrington, in Right	2 Lots.	1 1695	E 134
Thomas Cooper,	12 ½	May 10 1688	B 500	of Geo. Keith, 1 Lot.	1 Lot 6 ½ Chs. long & 1 ¼ wide, and 6 ¼ Acres in the Bounds,	Sept. 1 1694	E 370
William Dockwra,	27	10	B 501	Col. Andrew Hamilton	10 Acres,	Jan. 22 1695	E 393
Clement Plumsted,	12 ½	10	B 502	Thomas Gordon,	2 Acres,	April 20 1696	E 503
Thomas Barker,	D ^o	July 10	B 503	Mary Campbell, Wife	5 Acres,	Dec. 10	F 213
Walter Benthall,	D ^o	May 10	B 506	of John,	2 Acres,		F 297
Peter Sonmans,	1 Acre,	April 9	B 522	Thomas Warne,	1 Acre Lot,	8	Col.
Thomas Warne,	1	10	B 523				
ditto	18	May 10	B 524				
Thomas Hart,	1	April 10	B 527				
William Dockwra,	2 Lots, ¾ of an Acre	10	B 529				
John Johnston,	1	May 24 1690	D 231				
Robert Barclay,	1 Lot, 1 Lot,	24	D 234				
ditto	10 Acres	24	D 235				

SCHEDULE, N^o VI. *continued.*

To whom patented,	Quantity.	Date Mon. Day Year.	Recorded Lib. Fol.	To whom patented.	Quantity.	Date Mon. Day Year.	Recorded Lib. Fol.
Col. Andrew Hamilton, A Lot,		May 1 1697	F 324	John Brown, ditto		May 26 1694	E 122
John Barclay, ditto,		1	F 325	Mary Campbell, Wife of John,	2 Lots,	Dec. 10 1696	F 213
John Ried in Right of James Miller,	1 Acre ditto,	June 16 1698	F 605	Barton William, and Hannah his Wife,	1 Acre	June 4 1697	F 371
George Willocks, Slips towards the found		Sept. 15 1697	F 742	John Pollock, ditto.		Feb. 11 1697	F 533
ditto. A Lot,		Nov. 28 1699	G 60	James Dundas, $\frac{2}{10}$ of a Lot,		Mar. 25 1698	F 560
2 Slips opposite to his Patent Lots at low Water.		May 1	G 61	William Frost, 1 Acre Lot,		June 16 1698	F 607
George Willocks { All the Slips or Water Lots round Amboy except some,		Aug. 10 1698	G 70	John Matthews, ditto.		16	F 608
Jeremiah Bais, 1 Acre,		Nov. 25 1699	G 73	John Ireland, ditto.		16	F 608
David Lyel, 1 Acre Lot,		May 1	G 77	John White, $\frac{2}{10}$ of a Lot,		16	F 610
George Willocks, A Lot,		Feb. 24 1698	G 77	Margaret Thomson, ditto.		16	F 612
William Dockwra, 3 sundry Slips of Water Lots,		Aug. 2 1699	G 80	Patrick Murdock, ditto.		16	F 613
Archibald Campbell, Son of Lord Neil, 1 Acre,		23	G 81	Thomas Edwards, ditto.		16	F 614
Thomas Gordon, 3 several Parcels,		Nov. 27	G 121	John Collins, ditto,		Nov. 30 1699	G 22
Andrew Hamilton, 120 in 8 different Parcels Govern. House one &c		Dec. 21 1700	G 229	Joseph Billop, ditto,		14	G 44
ditto. A Lot,		June 7 1701	G 248	John White, A Bank Lot,		11	G 44
George Willocks, $3\frac{1}{2}$		17	G 250	Charles Goodman, ditto.		June 7 1701	G 264
Willocks and Johnston, Quantity not mention-		7	G 253	William Hudson, 1 Acre Lot,		1	G 265
John Falconar, 10 Acres, [ed. Nov. 23 1682			A 105	Robert Smith, ditto.		1	G 265
Bartholomew Gibson, 10		ditto	A 112	William Young, ditto.		1	G 275
David Barclay, 10		ditto	A 201	Thomas Gordon, A Lot, no Quantiy,		1	G 275
John Hampton, 10		ditto,	A 256	Miles Forster, and Mary Haige,	1 Lot of Land,	April 2 1702	G 359
Margaret Carrington Wife of Jo. Carrington,	1	Dec. 10 1686	B 218	John Johnston, 1 Acre Lot,		1	G 361
Jo. Tankine, Carpenter a Lot of Land,		Mar. 25 1688	B 366	David Lyel, A small Lot,		July 4 1701	G 363
John Mollison, 1 Acre,		ditto,	B 366	Lewis Morris, 1 Lott,		April 1 1702	G 368
George Allen, 1		April 9	B 366	George Willocks, and Thomas Gordon,		July 10 1699	H 214
Benjamin Clarke, 18		10	B 465	Miles Forster, ditto		10	H 215
Thomas Gordon, 1		10	B 508	Robert Nisbet, $\frac{2}{10}$ of a Lot.		Dec. 1 1702	C 246
Benjamin Clarke, 2 Lots,		May 10	B 509	George Willocks, 20 Acres,		April 14	C 250
John Neill, 1 Acre,		April 28 1688	B 521	ditto 2 Lots,		14	C 250
John Mill, 1		D ^o	B 523	1 D ^o or small Slip of Land,		14	C 250
William Thomson, A Lot $\frac{2}{10}$.		D ^o	B 525	1 Lot,		14	C 250
Benjamin Griffith, ditto		D ^o	B 525	ditto.		14	C 250
James Miller, 1 Acre,		Nov. 4 1687	B 526	ditto.		14	C 250
Miles Forster, 1		April 11	B 527	Michael Hardin, 2 Lots,		Dec. 10	C 252
Robert Bridgman, 1		28 1688	B 527	William Hodgson, 1 Lot,		10	C 252
James Emmot, 1		July 10	B 528	William Frost, ditto.		10	C 254
Samuel Gibson, 1		April 28	B 530	John Collins, $\frac{2}{10}$ ditto,		Feb. 1	C 254
John Coulie, A Lot 3 Chs. long and 2 Chs. wide.		D ^o	B 531	Lewis Morris, 1 a Lot,		Dec. 10	C 256
John Hume, 1 Acre,		D ^o	B 531	Thomas Gordon, 2 Lots		April 1	C 256
David Campbell, $\frac{2}{10}$ of an Acre,		D ^o	B 532	George Willocks, 3 ditto		Feb. 1	C 261
John Reid, 10 Acres,		June 24	C 22	John Reid, 1 ditto,		Dec. 10	C 262
Benjamin Griffith, 1 Acre Lot,		July 20 1693	E 73	Thomas Gordon, 2 Slips,		April 1 1703	C 265
				Arch. Campbell, and Robert Blackwood,	1 Lot,	April 12	C 267
				George Willocks, A Lot,		20	C 274
				John Reid, 10 Acres,		Nov. 23 1682	C 2 162

SCHEDULE, NUMB. VII.

Patents for Lands on Quit-Rent in the Town of *Woodbridge*, in the County of *Middlesex*, all at *One Half Penny Sterl. per Acre*, and the first Time of Payment 1670, *March 25*.

Patentee.	Quantity	Date. Mon. Day Year.	Recorded	Patentee.	Quantity.	Date. Mon. Day Year.	Recorded
John Pike, Esq;	308	Aug. 20 1669	1 67	George Little,	100	March 18 1669	1 81
Samual Moore,	286	Dec. 20	1 68	Thomas Auger,	167	18	1 82
Robert Vanquellen,	175	20	1 71	Obadiah Ayres,	171	18	1 82
Thomas Blomfield,	326	20	1 72	Richard Worth,	172	18	1 83
John Smith, <i>Scotchman</i>	176	20	1 73	Henry Jaques, sen.		18	1 84
Elisba Elfy,	172	20	1 74	Henry Jaques, jun.	368	18	1 84
Samuel Bakon,	170	Mar. 18	1 77	Daniel Robins,	173	18	1 56
Samuel Hall,	167	18	1 78	John Smith, <i>Mikewright</i>	511 $\frac{1}{2}$	18	1 88
John Bishop, senr.	470	18	1 78	John Dennis,	107	18 1669, 70	1 87
John Bishop, jun,	77	18	1 80	Rehoboth Gannet,	126	18	1 87

Hugh

SCHEDULE N^o VII. *continued.*

Patentee.	Quantity.	Date Mon. Day. Year.	Recorded	Patentee.	Quantity.	Date Mon. Day. Year.	Recorded
Hugh Dun,	92	Mar 18 1669,	70	John Wither,	91	Dec. 30 1670	1 109
John Conger,	170		1 88	John Taylor,	92	30	1 110
Robert Dennis,	448		1 89	Matthew Bunn,	165	30	1 110
Samuel Dennis,	94		1 90	Mathew Moore,	177	June 10 1671	1 117
John Blomfield,	90		1 91	John Cromwell,	173	10	1 117
Thomas Blomfield, junr.	91½		1 92	William Compton,	174	Mar. 10	1 122
David Makany,	168		1 92	Jonathan Haynes,	97	June 6 1673	1 123
Hugh March,	320	April 19 1670	1 94	John Martin, sen.	255	6	1 125
Stephen Kent,	249	May 20	1 94	Ephraim Andrews,	98	6	1 125
Daniel Greasie,	164	Octo. 10	1 97	Jonathan Donham,	213	Aug. 10 1672	1 129
John Pike, junr.	91	10	1 98	Elisha Parker,	182	April 19 1675	1 134
Daniel Pierce,	456½	Sept. 10	1 99	Charles Gilman,	92	June 15	1 135
Abraham Tappin,	95½	Dec. 29	1 101	John Dilly,	94	Aug. 2 1676	1 154
Samuel Moore,	70	29	1 101	Samuel Smith,	103	Feb. 20	1 166
John Watkins,	92	29	1 102	Israel Thornel,	96	20	1 166
Philip Carteret,	312½	30	1 103	William Bingley,	166	Sept. 1 1693	E 57
Joshua Bradley,	171	30	1 104	George March,	90	May 26	E 59
Benjamin Parkia,	105	30	1 105	Joshua Pierce,	30	Aug. 14	E 99
Iiaac Tappin,	172	30	1 106	John Luffberry,	145	May 17 1694	E 110
Robert Rogers,	91	30	1 106	John Elsie,	99	28	E 127
Stephen Kent, jun.	104	30	1 107	George Willocks, in			
John Adams,	97	30	1 107	Right of Sam. Bakon,	30	Jan. 24 1695	E 131
Nathaniel Webster,	93	30	1 108	Adam Hude,	26	Dec. 9 1696	F 155
John French, Mafon,	15	30	1 105	John Robinson,	94	28	F 362
Henry Lessenby,	88	30	1 108	Thomas Howardin,	175	June 7 1701	F 259

An Alphabet for SCHEDULE, Numb. VIII.

Referring to the Numbers of *Osborn's* Affidavit.

	A	K	P	W
	B	L		
250	Broadwell, William	Letts, William	Price, Benjamin	Woodruff, John
252	Bollen, Capt.	Lyon, Henry	Pardon, William	Whitehead, Isaac
252	Bonnell, Nathaniel	Little, John	Pack, George	Willson, great John
254	Bond, Joseph	Lambert, Roger	Parker, John	Willson, little John
254	Beach, Richard	Looker, William	Piles, William	Wynes, Barnaby
256	Baker, Capt. John		Parkis, Benjamin	Wood, Jonas
261			Pope, John	Winans, John
262	C	M	Price, junr. Benjamin	White, Robert
265	Carter, Nicholas	Meeker, William	Peck, Jeremiah	Wolverson, Peter
	Crain, Stephen	Meeker, Joseph		Wade, Benjamin
267	Cramer, William	Meeker, Benjamin	Q	Watson, Luke
274	Clark, Richard	Mofs, Robert	R	White, Dennis
162	Carteret, Governor	Mofs, Peter		X
	D	Marsh, Samuel	Rofs, George	Y
	Dehart, Daniel	Melleys, Jacob	Rouse, Simon	
	E	Moor, Thomas		Young Thomas
	F	Morris, George	S	
	Fraze, Joseph	Marsh, jun. Samuel	Seers, Joseph	Z
	G	N	Spinage, Humphry	
	H	Norris, Henry	Simkins, John	
81	Headly, Leonard	O	Shotwell, Abraham	
82	Hopkins, John	Ogden, Benjamin	T	
82	Homan, Benjamin	Osborn, Stephen	Thomson, Hurr	
83	Haynes, James	Ogden, Jonathan	Thomson, Moses	
84	Hatfield, Mathias	Ogden, Joseph	Thomson, Aaron	
84	I	Oliver, William	Tuttle, Nathaniel	
56	Jewell, George	Ogden, David	Tucker, Charles	
88	Johnson, William	Ogden, jun. John		
87	Jones, Jeffrey	Osborn, Joseph	V	
		Ogden, John	Vanquellen, Robert	

SCHEDULE

SCHEDULE, NUMB. VIII.

N ^o of R.	N ^o of J.	Grantor,	Grantee.	Date Year, Mon. Day.	Recorded. Lib. Fol.	Thing granted, and other Things remarkable in the Instrument.
1		GEORGE JEWELL,				
		Richard Painter				Swore Fidelity to the Lords Proprietors.
		Richard Painter,	Balthazar Dehart,	1671 April 3	1 o. e. 25	His House and Plantation at Eliz. Town, being a full Lot of the first laying out.
		Daniel Dehart	George Jewell	1688 Mar. 20	A 113	In Behalf of Heirs of B. Dehart all their Estate in Eliz. Town
		Warrant, Survey	D ^o	1686 July 7	L 214	200 Acres in Elizabeth Town.
		Survey for	D ^o		O 88	200 in ditto.
		Patent to	D ^o	1693 Mar. 1	E 103	200 in ditto.
2		BENJAMIN OGDEN,				
		Warrant to	Benjamin Ogden,	1686 May 7	L 76	50 Acres in Eliz. Town, and Meadow in Proportion, provided Patent in a Month.
		Survey to	D ^o	1689 June 1	2 147	56 Acres on Warrant of the 17 of May 1689.
		Gover. & Proprietors,	D ^o	1694 Nov. 10	C 225	Sheriffs Commission for a Year in Eliz. Town.
3		WILLIAM BROADWELL,				
		Patent, Luke Watfon,		1678 Sept. 21	2 other end	It's remark'd on it, that he had sold 130 Acres of Upland, and 30 of Meadow, Part of that Patent to Wm. Broadwell
		Luke Watfon,	Wm. Broadwell.	Oct. 30	1 end con.	148 as in his Patent upon Record, free of Incumbrances but what shall be from Date.
		Warrant, Survey,	D ^o	1679 Feb. 26	2 128	120 in Right of himself and Wife.
		Robert Moïs,	D ^o	1681 Sept. 26	1 ot. end 150	35 Part of his Patent, bounding East on Elizabeth River, paying Quit-Rent after Date.
		William Broadwell,	Joseph Frazie,	1682 July 4	4 end con.	Conveyance in Eliz. Town, free of Incumbrances, except
					20	Quit-Rents yearly from Date, for every Acre.
		Joseph Kerr,	Wm. Broadwell,	1684 Oct. 20	A 152	Conveyance to W. Broadwell, free, Proprs. Quitrent excepted.
		Wm. Broadwell,	And. Bown,	24	A 153	Conveyance of 27 Ac. joining Leonard Headley's, formerly Samuel Leveridges, free, Proprs. Quitrents excepted.
		Petition of	Wm. Broadwell	1685 June 11	M con. 118	For 500 in Eliz. Town, ordered 250 at 2 d. per Acre.
		Survey to	D ^o	Nov. 6	4 84	320 in several Tracts, Part bounds North on Bound Creek.
		Patent to	D ^o	1686 May 26	A 335	320 in Eliz. Town, at one half penny Sterl. per Ac.
4		BENJAMIN PRICE.				
		Benjamin Price,		1665 Feb. 19	3 other end 7	Was one who swore Fidelity to the Lords Proprs. and is one of the Signers to the Petition to have his Lands laid out.
		Warrant, Survey	Benj. Price.	1676 April 8	2 21	270 in Elizabeth Town.
		Commission to	D ^o	1682 Dec. 10	C 5	With others to be of the Council.
		Warrant of Survey	D ^o	1683 May 23	L 1	272 in Place of Warrant of April 8, 1676.
		Commission to	D ^o	Feb. 28	C 75	With others to be of the Council.
		Survey to	D ^o	1684 July 11	L 19	270 in Eliz. Town, in ten Pieces on Wart. 23d May 1683
		Patent to	D ^o	Feb. 28	A 169	270 in Elizabeth Town.
		Commission to	D ^o	1692 Jan. 29	C 171	To be one of the Judges of small Causes for Eliz. Town.
5		JOHN WOODRUFF.				
		Certificate of Right	John Woodruff,	1675	3 other end 7	Swore Fidelity to the Lords Proprs.
		Warrant, Survey	Ditto.		3 23	In all for five Persons at 90 Ac. each is 450 Ac. and Wart. made the 5th November.
		Survey	ditto.	Nov. 5	2 14	450 in Right of himself, Wife, and three able Servants.
		Patent	ditto.	1676 April 28	2 25	320 on Wart. 5th Nov. 1675.
		Commission to	ditto.	June 10	1 150	320 Acres.
		Petition of	ditto.	1684 Nov. 28	C 87	To be Sheriff of Essex.
		Warrant, Survey to	ditto.	1685 April 10	MCouncil 10	Petition for 120 omitted to be surveyed, ordered on paying Arrears of Quitrents.
		Survey to	ditto.	1686 July 26	L 103	120 in Elizabeth Town, void if Patent not in three Weeks.
		Patent	ditto.	27	L 104	120 in six Pieces.
				Aug. 16	A 406	Of 6 Pcs. of Land, in all 120 Ac. in Eliz Town at $\frac{1}{2}$ St. per Ac.
6		LEONARD HEADLY,				
		Warrant, Survey	ditto,	1675 Oct. 6	2 3	Swore Fidelity to the Lords Proprietors, and is one of the Petitioners for laying out his Lands, &c. as in Prices.
		Survey to	ditto,	1678 Oct. 14	2 98	120 Acres for himself and Wife.
						Of seven Pieces, but Record not finished, the Content of them I have summed, and they amount to 150 Acres.
7		JOHN HOPKINS; Query, If it should not have been Samuel Hopkins, for there is				
		Warrant, Survey to	Hannah Hopkins	1678 Oct. 26	2 97	120 Acres in Elizabeth Town.
		Survey to	Wife of Samuel.	Nov. 10	2 105	16 surveyed to her in two Pieces,
		Patent to	ditto,	Feb. 20	2 25	16 in two ditto.

SCHEDULE, N^o VIII continued.

SCHEDULE, N ^o VIII continued.									
		Grantor.	Grantee.	Date		Recorded.		Thing granted, and other Things remarkable in the Instrument.	
				Year.	Mon. Day.	Lib.	Fol.		
5	8	ISAAC WHITEHEAD.				3 other end	7	Swore Fidelity to the Lords Proprietors, and is one of the Petitioners, and Drawer of the Petition to the Governor to have their Lands laid out, &c.	
		Warrant, Survey	Isaac Whitehead,	1675	Mar. 14	2	18	180 Acres, part sold to Mr. Lyon.	
		Survey to	ditto.	1678	July 15	2	94	177½ Acres.	
		Patent to	ditto.		Nov. 10	2	24	177½ according to the Bounds of Survey, in Fol. 94.	
		Commission to	ditto.	1683	Mar. 28	C	13	To be one of the Judges of small Causes for Elizabeth Town.	
				1686	May 1	C	106	A like Commission.	
				1692	Sept. 16	C	150	Commission to be Sheriff of Elizabeth Town.	
					Jan. 29	C	171	One of the Judges of small Causes.	
		Warrant, Survey for	ditto,	1695	Aug. 22	C	233	Is one in Commission of the Peace for Essex.	
		Warrant to	ditto,	1685	Mar. 12	L	76	For 125 Acres.	
				1693	Aug. 3	O	104	For 47 Acres, which, with what he has surveyed, makes 200 in Elizabeth Town.	
		Survey to	ditto, on Warrant,			O	108	100 in Eliz. Town, at ½ d Sterl. per Acre, from 1670.	
		ditto,	ditto, on Warrant,			O	117	100 in ditto.	
		Patent to	D ^o			E	46	100 in ditto, at ½ d. Sterl. per Ac. from 1670, sundry Tracts.	
		ditto,	D ^o	1694	May 22	E	117	100 in ditto, at 6 d. yearly for the Whole.	
6	9	WILLIAM MEEKER,				3 other end	7	Swore Fidelity to the Lords Proprs.	
		Commission to	Wm. Meeker,	1671	Octo. 13	3	47	To be Constable of Eliz. Town for the Year ensuing.	
		Warrant to	Wm. Pardon,	1675	Mar. 14	2	18	120 in Right of Wm. Meeker, in 69 is Survey on same Right	
		Survey	ditto,	1677	Feb. 2	2	69	152 on Warrant 14th March 1675, in Right of Wm. Meeker.	
		Patent	ditto,	1678	May 1	2	1	153½ in 6 Parcels, as per Fol. 69.	
7	10	JOSEPH MEEKER,						Is one of the Petitioners to have his Lands laid out, &c.	
		Warrant to	Joseph Meeker,	1676	May 31	2	24	120 Acres in Elizabeth Town.	
		Survey to	D ^o on Warrant,			O	71	98 in ditto.	
		Survey to	D ^o	1681	Sept. 14	2	146	98 on Warrant of May 31, 1676.	
		Survey to	D ^o	1717	Nov. 29	3	157	22 in Right of Dr. Johnston.	
		D ^o	D ^o	1718	Mar. 4	3	195	81 in Eliz. Town, in Right of Dr. Johnston.	
		D ^o	D ^o			S	201	74 in Right of James Alexander.	
		D ^o	D ^o			S	202	13½ in Eliz. Town, Meadow on Woodruff's Creek.	
8	11	BENJAMIN MEEKER,						Is one of the Petitioners to have his Lands laid out, &c.	
		Warrant to	Benjamin Meeker,	1676	May 31	2	24	120 in Elizabeth Town.	
		Survey to	Ditto, on Warrant			O	70	155 in ditto.	
12		WILLIAM PARDON,							
		Certificate to	Wm. Pardon	1675		3	23	For himself and first Wife 90 Acres each, & for his second Wife 60, is 240.	
		Warrant to Survey	D ^o		Mar. 14	2	18	120 in Right of William Meeker.	
		Warrant to Survey	D ^o		Nov. 5	2	14	200 in Right of himself and Wife.	
		Survey to	D ^o	1676	May 8	2	22	252 Acres on Warrant of Octo. 23, 1675. A home Lot and Pile 6 Acres, part bounds on Sound or Great River.	
		ditto,	D ^o	1677	Feb. 2	2	69	152 on Warrant of Mar. 14, 1675, in Right of Wm. Meeker	
		Patent to	D ^o	1678	May 1	2 other end	1	153½ in 6 Parcels, as per Fol. 69 other end, ½ d. Ster. from March 25, 1670.	
		Patent to	D ^o	1676	May 30	1	146	252 Rent from 1670.	
13		Capt. BOLLEN. He was the Secretary of the Province, and greatest part of the Books of Records N ^o 1, 2, & 3, are in his [Hand Writing].							
		Capt. Bollen,	{ John Martin, } { Henry Lyon, }	1673	Sept. 30	1	89	His home Lot in Elizabeth Town, with Proportion according to the Rate of a third Lot.	
		See Henry Lyon N ^o 51, where its surveyed and patented to him.							
14		BENJAMIN HOMAN,				3 other end	7	Swore Fidelity to the Lords Proprietors. He is one of the Signers to an original Petition in Isaac Whitehead's Hand Writing to the Governor, without Date, praying their Lands may be laid out to them according to the Agreements made by the Inhabitants, and Consent of the Governor with them, as may more fully appear in the Town Records. Original is in James Alexander's Hands.	
9	15	HENRY NORRIS.							
		Samuel Moor,	Henry Norris,	1675	Dec. 11	1	58	Conveyance of 90 Acres and Freehold proportional, paying Rates or Dues for the said Land.	
		Warrant Survey	D ^o		Mar. 14	2	18	210 Acres in Right of himself and John Willson, Carpenter.	
		Survey to	D ^o	1678	Octo. 14	2	100	249 Acres.	
		Patent to	D ^o		Nov. 10	2	23	249 as Bounds of Survey Fo. 100. [cepted.	
		Henry Norris	Joseph Willson,	1690	Sept. 26	D	241	6 in Eliz. Town, clear of Incumbrances, Proprs. Quitrents ex-	
		Survey to	D ^o	1717	July 5	2	162	200 in Right of the New-Jersey Society, H. Rolph, Deputy.	
16		NATHANIEL BONNELL.				3 other end	7	Swore Fidelity to the Lords Proprietors, and is one of the Signers to the Petition to have his Lands laid out, &c.	
		Warrant, Survey to	Nathaniel Bonnell.	1676	April 8	3	21	120 Acres in Elizabeth Town.	
		Survey to	ditto,	1679	Jan. 12	2	130	138 Acres.	
		Nathaniel Bonnell,	Benjamin Price,	20	Car. 2 Jun 15	D	430	Conveyance of his first Division 6 Acres as it was laid out.	
		Warrant,	ditto,	1694	April 27	O	106	6 Acres in Right of Nathaniel Bonnell. See N ^o 68.	

SCHEDULE N^o VIII. continued.

SCHEDULE N ^o VIII. continued.									
N ^o of Clark's Aff.	N ^o of Osborn's Aff.	Grantor.	Grantee.	Date.		Recorded		Thing granted, and other Things remarkable in the Instrument.	
				Year.	Mon. Day.	Li.	Fol.		
17		NICHOLAS CARTER, Certificate,	Nicholas Carter,	1675		3	other end 7	Swore Fidelity to the Lords Proprietors.	
		Warrant, Survey to Jacob Melley,	ditto,	1675	Nov. 5	2	23	His Rights for himself, his Wife, one Servant, and a Maid, since the Year 1664, is 360 Acres due to Nicholas Carter.	
			ditto.	1676	Mar. 9	1	101	360 for his Rights.	
		Nicholas Carter, Survey to	Benjamin Wade,			16	1	101 lying on South Neck of Eliz. Town, rendering yearly the Quitrent to the Proprietors.	
		Patent to Nicholas Carter,	Nicholas Carter,	1678	Aug. 2	2	73	A home Lot 4 Acres, with 40 of Upland, free of Rents, except what shall be due from Date.	
		Nicholas Carter,	ditto,		Nov. 10	2	ore. 23	360 Acres.	
		John Carter, Son of Nicholas Carter, to	Samuel Wilfon,	1681	May 18	4	34	368 as Survey in Fo. 92.	
			Marth and Hinds,	1682	Aug. 18	A	28	Conveyance of Lands, patented Nov. 10, 1678.	
								Conveyance of Lands in Eliz. Town, free of Incumbrances, except Proprietors Quitrents, as they yearly grow due.	
10	18	HURR THOMSON.						Is one of the Signers to the Governor to have his Lands laid out, &c.	
		Warrant, Survey to	Hurr Thomson,	1676	May 2	2	21	120 Acres.	
		Survey to	ditto,			8	0	69	160 in Elizabeth Town.
19		JOHN WILSON, Carpenter.							
		Warrant, Survey	Henry Norris,	1675	Mar. 14	2		18	210 in Right of himself and John Wilfon, Carpenter.
		Survey to	ditto,	1678	Oct. 14	2		100	249 Acres.
		Patent to	ditto,		Nov. 10	2		23	249 as Bounds of Survey Fol. 100, of other End.
11	20	Little JOHN WILSON							
		Warrant, Survey to	Samuel Moor,	1675	Mar. 14	2		18	90 Acres in Right of little John Wilfon.
		Survey to	D ^o	1678	Aug. 10	2		90	101 in Right of ditto.
		Patent to	D ^o		Nov. 10	2		23	101 as in 90 of other End.
		Jeremiah Peck,	Samuel Willfon	1679	Oct. 23	D		178	His Lands in Eliz. Town, by Patent of Oct. 21, 1678
		Nicholas Carter	D ^o	1681	May 18	4		34	Conveyance of Lands patented Nov. 10, 1678. Last Act on Record of Gov. Carteret, is the Allowance of this Deed on Nov 1, 1682.
		Stephen Osborn	Joseph Wilfon,	1689	Oct. 13	D		195	12 Acres, two House Lots at Eliz. Town free of Incumbrances, Quitrents due, and to grow due, excepted. Query; If Samuel and Joseph were not Sons of Great or Little John Wilfon.
12	21	MOSES THOMSON,							
		Warrant, to Survey	for Moses Thomson,	1676	May 31	2	3	other end 7	Swore Fidelity to the Lords Proprietors, and is one of the Petitioners to have his Lands laid out, &c.
								24	180 Acres in Elizabeth Town.
13	22	JOSEPH BOND							
		Warrant to Survey	Joseph Bond,	1675	June 30	2	3	other end 7	Swore Fidelity to the Lords Proprietors, and is one of the Petitioners to have his Lands laid out, &c.
		Survey	Benjamin Price, jnn.	1693	Aug. 3	O	107		160 Acres of Upland and Meadow in Proportion.
		Survey	Benj. Bond,	1721	Nov. 18	S	20		His first Tract bounds on Joseph Bonds South Line.
		Survey to	ditto.			2	218		20 in Elizabeth Town.
									20 in New-Jersey Society's Right of Jaspar Crain's 700 John Harriman, Deputy Surveyor.
14	23	JOSEPH SEERS.							
		Warrant to	Joseph Seers,	1676	April 8	2	21		Is one of the Petitioners to have his Lands laid out.
		Survey to	ditto,	1678	Oct. 14	2	99		180 in Elizabeth Town.
		Patent to	ditto,		Nov. 10	2	o. e. 24		142 in ditto.
									142 bounded as Survey in 99.
15	24	STEPHEN CRAIN.							
		Warrant, Survey to	ditto,	1676	Mar. 28	2	20	oth. end 7	Swore Fidelity to the Lords Proprietors.
		Survey to	ditto,		Oct. 2	2	35		120 in Elizabeth Town.
		Patent to	ditto,		Nov. 30	1	161		156 House Lot and Pile 6 Acres.
									156
16	25	ROBERT MOSS.							
		Warrant, Survey to	Robert Moss,	1675	Mar. 20	2	19	oth. end 7	Swore Fidelity to the Lords Proprietors.
		Survey to	ditto,	1676	May 11	2	23		180 for himself and Wife.
		Patent to	ditto,			30	1		216 on Warrant March 20, home Lot and Pile 6 Acres, and Part on Elizabeth River.
		Robert Moss,	Wm. Broadwell,	1681	Sept. 26	1	Con. 150		202 part on Elizabeth River.
		Petition of	Robert Moss,	1685	June 11	M.C.	18		Part of his Patent Date May 4, 1676, bounded E. by Eliz. River, clear of Quitrent, except what is due and payable after Date.
		Robert Moss,	Jonas Wood, &c.	1686	June 24	B	121		For 50 between Pardon's and Carter's, ordered 30 Acres any where in Eliz. Town.
		Warrant, Survey to	Robert Moss,		25	L	90		Grant of Land patented to him May 30, 1676.
		Robert Moss,	Jonas Wood.		Oct. 10	B	132		140 in Elizabeth Town.
									Deed of a Piece of Meadow, free, Proprs. Quitrent excepted.
17	26	PETER MOSS.							
		Warrant to Survey,	Peter Moss,	1675	Mar. 22	2	19	oth. end 7	Swore Fidelity to the Lords Proprietors.
		Survey to	ditto,						180 Acres for himself and Wife, and 20 Acres in Right of Jochim Andresse.
		Patent to	ditto,	1676	May 11	2	23		216 on Warrant March 22, home Lot and Pile 6 Acres.
						13	1	149	224 Part on Elizabeth River.

SCHEDULE, N^o VIII. continued.

N ^o of Clark's Affi.	N ^o of Osborn's Affi.	Grantor.	Grantee.	Date		Recorded		Thing granted, and other Things remarkable in the Instrument.
				Mon.	Day Year.	Lib.	Fol.	
18	27	AARON THOMSON,				3 oth. end 7		Tho. Thomson, swore Fidelity to the Lords Proprietors, and is one of the Petitioners to have his Lands laid out, &c.
		Warrant, Survey to	Aaron Thomson,	1676	April 12	2	29	120 in Right of his Father Thomas, and 60 in Right of
		Survey to	Ditto,	1678	Mar. 1	2	104	[himself.
		Patent to	ditto,		10	2	26	118 Acres, bounds as in Survey, Fo. 104.
19	28	NATHANIEL TUTTLE,				3 oth. end 7		Swore Fidelity to the Lords Proprietors.
		Warrant, Survey	Nathaniel Tuttle,	1675	Mar. 22	2	19	90 Acres in Right of himself.
		Survey to	ditto,	1976	Aug. 28	2	24	153 by Warrant March 22, 1675, 6. House Lot and Pitle
		Patent to	ditto,		Nov. 30	1	160	6 Acres, and Part bounds on the Sound or Great-River.
								153 Acres.
20	29	BARNABY WINES.				3 oth. end 7		Swore Fidelity to the Lords Proprietors.
		Warrant, Survey to	Barnaby Wines,	1676	May 9	2	22	240 Acres.
		Survey to	ditto,		Nov. 8	2	90	164 Acres.
		Patent to	ditto,	1678	Octo. 22	2	11	164 bounds as in Fol. 90.
21	30	JONAS WOOD,				3 oth. end 7		Swore Fidelity to the Lords Proprietors.
		Warrant, Survey	Jonas Wood,	1676	April 10	2	21	300 Acres.
		Survey to	ditto		Aug. 28	2	30	228, Home Lot and Pitle 6 Acres.
		Patent to	ditto		Octo. 14	1	154	228
		Jonas Wood	Capt. John Baker,	1677	April 17	1	76	Recites Patent October 14. 1676, and releases it to Capt.
		Simon Rous	Jonas Wood,	1678	May 29	1	109	John Baker ; its acknowledged before the Governor.
		Jonas Wood,	Simon Rous		ditto	1	109	6 Acres Meadow in his Patent, paying Quitrents.
				1685	July 9	M.C.	20	Sundry Parcels in Eliz. Town paying Quitrents.
								Petition for Land purchased of Jonas Wood ; Henry Lyon
								heard again st Petition, ordered Part at $\frac{1}{2}$ d. per Acre.
		Robert Mofs,	Jonas Wood, &c.	1686	June 24	B	121	Sells the Land patented to him May 30, 1676.
		David Ogden,	Jonas Wood,		Aug. 25	B	46	His Patent in Elizabeth Town.
		Jonas Wood,	John Toe,		Aug. 25	B	46	Part of his Patent in ditto.
		Robert Mofs,	Jonas Wood,		Octo. 10	B	132	Deed of a Piece of Meadow free of Incumbrances, Proprietors
								Quitrents excepted.
		Jonas Wood,	Andries Pricegaer,	1687	June 29	B	132	Deed of Land patented to him Octob. 14. 1676 in Eliz. Town
		ditto,	James Emmet,	1688	Octo. 17	D	48	3 Acres Town Lot, Part of his Patent of Octo. 14 1676.
22	31	GEORGE ROSS.						
		Warrant, Survey to	George Ross,	1676	Mar. 27	2	19	120 Acres in Right of himself and Wife.
		Survey to	ditto,		Octo. 2	2	34	132, Home Lot and Pitle 6 Acres, and Part bounds on the
								Sound or Great River.
		Patent to	ditto,		Nov. 30	1	160	132 Acres.
		Commiffion to	ditto,	1686	May 1	C	106	To be one of the Judges of Small Causes in Eliz. Town.
23	32	SAMUEL MARSH.				3 oth. end 7		Swore Fidelity to the Lords Proprietors.
		Warrant, Survey to	Samuel Marsh, sen.	1676	Mar. 28	2	20	180 Acres.
		Survey to	ditto,		Aug. 25	2	35	205
24	33	JAMES HAYNES.						
		Warrant, Survey to	James Haynes,	1677	July 11	2	65	120 in Right of himself and Wife.
		Survey to	Ditto on Warrant,	1676	July 11	O	89	120 in Elizabeth Town.
25	34	CHARLES TUCKER,				3 oth. end 7		Swore Fidelity to the Lords Proprietors.
		Warrant, to Survey	Charles Tucker,	1675	June 30	2	3	140 Acres with Meadow in Proportion.
		Survey to	ditto	1676	May 11	2	22	184 on Warrant March 14, 1675. House Lot and Pitle six
		Patent to	ditto		30	2	177	184 Acres. [Acres:
		Survey to	ditto	1678	May 10	2	88	69 in Lieu of the 78 laid out Fol. 22, belonging to Jacob
								Melleyns.
26	35	HUMPHREY SPINAGE,				3 oth. end 7		Swore Fidelity to the Lords Proprietors.
		Warrant, Survey to	Humphrey Spinage,	1676	Mar. 27	2	19	180 Acres.
		Survey to	ditto		Aug. 25	2	36	218, House Lot 4 Acres, and part on Elizabeth River.
		Patent to	ditto		Dec. 9	2	162	218
27	36	JOHN WINANS.						
		Warrant, Survey to	John Winans,	1676	May 9	2	22	120 Acres in Elizabeth Town.
		Survey to	ditto		Aug. 25	2	37	200 on Warrant of May 9. 1676.
		Patent to	ditto		Dec. 9	1	161	200 Acres.
		John Winans,	Richard Mattock,	1677	Dec. 9	D	197	40 in Eliz. Town, Part of his Patent, free of Quitrents
								to the Date.
		Jacob Melleyens,	John Winans,		Feb. 8	1	108	His Home Lot in Eliz. Town, paying the Quitrent yearly to
								the Proprietors.
28	37	WILLIAM JOHNSON,				3 oth. end 7		Swore Fidelity to the Lords Proprietors.
		Warrant, Survey	William Johnson,	1676	Mar. 21	2	20	240 Acres in Elizabeth Town.
		Survey to	ditto,	1679	Jan. 12	2	130	262 Acres.
		Patent to	ditto,	1685	Octo. 15	M.C.	36	For $\frac{1}{2}$ Acre at Elizabeth Point, ordered.

SCHEDULE N^o VII. continued.

N ^o of Clark's Aff.	N ^o of Osborn's Aff.	Grantor.	Grantee.	Date		Recorded		Thing granted, and other Things remarkable in the Instrument.
				Year.	Mon. Day.	Lib.	Fol.	
29	38	MATHIAS HATFIELD,						
		Warrant to Survey,	Mathias Hatfield,	1676	May 30	2	24	Swore Fidelity to the Lords Proprietors.
		Survey to	ditto		Aug. 29	2	106	124 Acres,
		Patent to	ditto	1679	July 10	2	26	208 Acres.
		Widow Hatfield,	Richard Mattock,	1690	Mar. 20	D	197	208 as bounded in 106.
		Warrant to	Benjamin Price,	1694	April 27	O	106	Conveys 40 Acres on Eliz. Town Creek, free of Quitrent [before Signing.]
30	39	JEFFERY JONES,						
		Warrant, Survey to	Jeffery Jones,	1676	April 25	2	21	Swore Fidelity to the Lords Proprietors.
		Jeffery Jones,	Richard Parum,	1700	Octo. 23	G	145	180 Acres.
		ditto,	His Daughter,	1717	Dec. 21	A Wills. 89		40 in Elizabeth Town, South West by Joseph Frazey, and South East by Land unsurveyed.
								Devifes her a Piece of Land, whereof it says, No return made of the Survey, and the Title may in that Behalf be deficient: Therefore, &c.
31	40	ROBERT WHITE.						
		Warrant, Survey	Robert White,	1675	Sept. 12	2	3	180 in Right of himself, Wife and Daughter.
		Survey to	ditto,	1678	May 10	2	73	108
		Patent to	ditto,		June 10	2	4	108 in five Parcels, as bounded in 73.
		Richard Beech,	Agatha White,	1687	Mar. 21	CC	64	Meadow in Eliz. Town, clear of Arrears of Quitrents.
		ditto,	ditto,	1688	Mar. 31	B	383	Deed of Lands in Eliz. Town, with Covt. to clear it of Quitrents before due.
		Agatha White,	William Darbie,		April 16	B	384	Ditto like.
32	41	STEPHEN OSBORN,						
		Warrant, Survey to	Stephen Osborn,	1676	April 8	2	21	Is one of the Petitioners to have his Lands laid out, &c.
		Survey to	ditto,	1679	Jan. 12	2	29	180 Acres.
		Stephen Osborn,	Joseph Wilson,	1689	Octo. 13	D	195	160
								12 Acres being two House Lots at Elizabeth, free of Incumbrances, Quitrents due and to grow due excepted.
33	42	WILLIAM LETTS.						
		Warrant, Survey to	William Letts,	1675	Mar. 14	2	18	180 Acres.
		Survey to	D ^o	1676	May 11	2	23	157 on Warrant of March 14, 1675.
		ditto	D ^o	1677	Feb. 2	2	72	70 Acres in Lieu of 72 he had laid out, which belonged to Jacob Melley.
		Patent to	D ^o	1678	June 10	2	4	155 in 5 Parcels, bounded as in 23 and 72.
		ditto	D ^o		101		147	155 Acres.
34	43	JONATHAN OGDEN.						
		Warrant, Survey to	Jonathan Ogden,	1676	June 14	2	25	Swore Fidelity to the Lords Proprietors, and is one of the Petitioners to have his Lands laid out, &c.
		Survey to	D ^o	1678	Aug. 2	2	92	120 Acres.
		Patent to	D ^o		Nov. 10	2	19	126
		Warrant to	Benjamin Price,	1694	April 27	O	106	126, as in 92
								6 Acres in Right of Jonathan Ogden.
35	44	JOSEPH OGDEN,						
		Warrant Survey to	Joseph Ogden,	1676	Octo. 27	2	36	Is one of the Petitioners to have his Lands laid out, &c.
		Warrant, Survey	ditto,	1684	July 14	L	18	90 Acres.
		Survey	Benjamin Price,		11	L	21	90 in Eliz. Town, declaring former Warrant not laid out.
		ditto,	Benjamin Price, jun.	1689	May 8	O	40	His seventh Tract bounds West on Joseph Ogden's.
		ditto,	Isaac Whitehead jun.		June 1	O	45	His third Tract bounds East on ditto.
		ditto,	Benjamin Price, jun.	1693	Aug. 3	O	107	His last Tract of Meadow bounds West on ditto.
		ditto,	Isaac Whitehead,		3	O	108	His third Tract bounds East on ditto.
		Patent	Joseph Ogden, heir of Joseph.	1697	Jan. 20	F	541	His third Tract bounds No. on ditto, and sixth is S. by ditto.
								90 Acres in Eliz. Town, at $\frac{1}{2}$ d. Sterling per Acre from the Year 1670.
36	45	WILLIAM CRAMER,						
		Warrant, Survey to	William Cramer,	1675	Mar. 22	2	19	Swore Fidelity to the Lords Proprietors.
		Survey to	ditto,	1676	Aug. 28	2	33	180 Acres.
		Patent to	ditto,		Nov. 30	1	160	209 Acres on Warrant dated March 22d 1675, in many Parcels, Home Lot and Pitle 6 Acres.
		William Cramer,	John Toe,	1677	Sept. 11	1 Con. 109		209 Acres.
								115 in sundry Pieces, free of Rents, except what shall become due from Date, one Piece is House Lot and Pitle containing 6 Acres
37	46	RICHARD CLARKE.						
		Warrant, Survey to	Richard Clarke,	1679	Feb. 13	2	127	300 in Right of himself, his Wife, and Sons Richard and John, and Daughter Elizabeth.
			To John and Richard Clark, junr.	1685	Mar. 11	MC	32	120 Acres ordered to each of them, which probably was their Father's and Mother's, and their own two Shares, for which their Father had the former Warrant.
		Warrant, Survey to	D ^o		12	L	67	120 to each, provided Patent in a Month.
		Survey to	John Clarke,	1686	April 1	L	83	122 N.W. by George and John Alexanders at Raway.
		Survey to	Richard Clarke, jun.		1	L	83	122 at Raway.
		Patent to	Richard Clarke,		May 24	A	339	106 Acres at $\frac{1}{2}$ d. Sterling per Acre at Raway.
		Patent to	John Clarke,		24	A	340	120 Acres, ditto Rent and Place.

SCHEDULE, N^o VIII. *continued.*

SCHEDULE, N ^o VIII. continued.									
N ^o of Osborn's Aff.	Grantor.	Grantee.	Date		Recorded	Lib.	Fol.	Thing granted, and other Things remarkable in the Instrument.	
			Year.	Mon. Day					
47	Governor CARTERET,								
	Warrant to	Sir G. & Phi. Carteret.	1675	Mar. 14	2	19	2700	in Right of 18 Servants brought in, in 1665.	
	Warrant to	Philip Carteret,		14	2	19	150	in Right of Abraham Shotwell.	
							480	in Right of Peter Wolverfon.	
	Survey to	Governor Carteret,			4	2	120	in Right of Dennis White.	
	Patent to	ditto,	1682	Apr. 14	4	9	256	Acres in Right of Peter Wolverfon.	
	Survey to	Sir G. & Gov. Carteret			4	4	256	Acres in Right of ditto.	
							3340	in Elizabeth Town.	
48	RICHARD BEECH.								
	Warrant to Survey	Richard Beech	1675	Mar. 20	2	19	90	Acres.	
	Survey to	ditto,	1676	Aug. 25	2	37	102		
	Patent to	ditto,		Nov. 23	1	157	102		
	Richard Beech to	Mary Mitchell,	1687	Aug. 18	B	159		Sells and Covenants to Discharge it of Arrears of Quitrents.	
	Richard Beech to	Agatha White,		Mar. 21	CC	64		Sells some Meadow with like Covenant.	
	Richard Beech to	ditto,	1688	Mar. 31	B	383		Sells and like Covenant.	
49	DANIEL DEHART,								
	Warrant to	Daniel Dehart,	1675	Mar. 14	2	18	120	in Right of Richard Painter, as Executor of Balthazar	
	Survey to	ditto,	1678	April 1	2	73	134	[Dehart.	
	Patent to	ditto,		June 10	2 oth. end.	3	134 $\frac{1}{2}$	in five Parcels as in Survey Fol. 73.	
	Daniel Dehart,	George Jewell,	1680	Mar. 28	A	113		Sells in Behalf of Heirs of Balthazar Dehart all their Estate in Elizabeth Town.	
50	JOSEPH FRAZEY,								
	Warrant, Survey	Joseph Frazey,	1676	May 9	2	22	120	Acres.	
	Luke Watfon,	ditto,	1678	Sept. 21	2	10		Mark'd on Patent, sold 170, and 12 Ac. Meadow to Frazie.	
	ditto,	ditto,		Nov. 11	1	115	170	as in his Patent.	
	William Broadwell,	ditto,	1682	July 4	4	19		Lands in Elizabeth Town, free, except Quitrents from Date.	
	Joseph Frazie,	John Toe,	1682, 3	Feb. 6	B	22	40	Acres of his Patent, paying Quitrents.	
	Warrant, Survey	Joseph Frazey,	1685	Feb. 5	L	53	150	at Raway for himself and Son Joseph.	
	Survey,	Joseph Frazey, jun.	1686	April 1	L	81	135	in Raway.	
	Patent to	Joseph Frazey,		May 24	A	340	150	at Raway at $\frac{1}{2}$ d. Sterl. per Acre.	
	Joseph Frazie,	Samuel Pack,	1698	Sept. 7	G	137		Sells 39 Acres East of Raway, part of his Patent.	
51	HENRY LYON.								
	James Bollen,	Henry Lyon,	1673	Sept. 30	1 ot. end	89		Deed of his third Lot Right, and Home Lot to Martin, and Martin to H. Lyon.	
	Warrant, Survey	ditto	1675	Mar. 8	2	17	360	for his own Rights and Purchases of others.	
	Survey to	ditto		Nov. 9	2	18		Of sundry Pieces, in all 130 $\frac{1}{2}$, with Allowance on Warrant of May 28, 1673.	
	Survey to	ditto	1678	July 15	2	93	306	in 10 Parcels, the 6th is 100 on the South Side of the Line of Elizabeth Town and Newark.	
	Patent to	ditto		Nov. 10	2	23	306	as bounded in 93 other end.	
	Warrant, Survey to	ditto	1681	Sept. 8	2	129		A Parcel by House Lot of George Morris.	
	Survey to	ditto		14	2	141	2 $\frac{1}{2}$	Aeres.	
	Commission to	ditto	1683	Mar. 28	C	13		To be one of the Judges of small Causes.	
	Commission to	ditto		Feb. 28	C	75		Amongst others to be one of the Council.	
	Commission to	ditto	1686	May 1	C	106		One of the Judges of small Causes.	
	Henry Lyon,	Thomas Lyon,	1688, 9	Feb. 20	E	531		Conveys fundry Tracts in Eliz Town, as expressed in his Patent	
52	JOHN LITTLE								
	Evan Salisbury,	John Little,	1670	Dec. 30	1 ot. end	59		His second Lot Right, except his first Division 12 Acres.	
	Warrant, Survey	ditto	1676	Mar. 27	2	19	120	Acres.	
	Survey to	ditto		Oct. 13	2	42	134	part bounds on Sound or Great River.	
	Patent to	ditto		Dec. 9	1	162	134	Acres.	
	John Little,	Gawen Lowrie,	1686	June 11	A	331		His Land patented, free, except Proprietors Quitrents.	
53	ROGER LAMBERT.								
	Warrant, Survey to	Roger Lambert,	1676	Mar. 27	2	19	120	Acres.	
	Survey to	ditto,	1676	June 23	2	29	68 $\frac{1}{2}$	on Warrant Mar. 27, 6 Ac. for his first Division is part:	
	Patent to	ditto,		Aug. 2	1	154	68	part on the Sound or great River.	
	Survey to	ditto,	1678	Aug. 5	2	89	66	Acres,	
	Patent to	ditto,		Sept. 4	2	7	66	bounds as in 89.	
54	WILLIAM LOOKER.								
	Survey	William Looker,	1678	July 16	2	89	178	Acres.	
	Patent to	ditto,	1679	Mar. 25	2	5	178	as bounds in 89.	
	Warrant, Survey to	ditto	1685	Jan. 29	L	52	100	in Elizabeth Town.	
	Survey to	ditto.	1686	April 13	L	104	60,	and 10 of Meadow.	
	Warrant, Survey to	ditto,		July 16	L	101	10	Acres of Meadow in Elizabeth Town.	
	Survey to	ditto,		27	L	111	10	Acres in Elizabeth Town.	
	Patent to	ditto,		28	A	408	100	Acres in ditto.	

SCHEDULE N^o VIII. continued.

N ^o of Osborn's Aff.	Grantor.		Grantee.		Date.		Recorded		Thing granted, and other Things remarkable in the Instrument.
					Year.	Mon. Day.	Li.	Fol.	
55	JACOB MELLEYNs.								
	Ja. Melley's, Rights,	Jacob Melley's,	1676	Sept. 28	3	oth. end 7	25		Swore Fidelity to the Lords Proprietors.
	Survey to	ditto,		Dec. 26	2		46		For himself and Wife 240, two Servants 120, in all 360 Ac.
	Patent to	Nicholas Carter,		Mar. 9	1		163		450 on Warrant of June 30, 1676, House Lot 4 Acres.
	Jacob Melley's to	John Wynans,	1677	Feb. 8	1		101		450 Acres.
	ditto.						108		The Land lying on South Neck of Eliz. Town, on his first Division, rendering Quitrents yearly to the Proprietors.
									His home Lot in Elizabeth Town, rendering as in other.
56	THOMAS MOOR,								
	Amy Andrews,	Thomas Moor.	1675	June 24	3	oth. end 7	1 o. e. 46		Swore Fidelity to the Lords Proprietors.
	Warrant, Survey to	ditto,	1676	April 15	2		21		Home Lot of her Husband Jochim Andrews and all that may be claimed by the Concessions.
	Survey to	ditto,		Aug. 28	2		31		180 Acres.
	Patent to	ditto,		Oct. 14	1		157		187 on Warrant April 15, part on Elizabeth River.
									187 Acres.
57	GEORGE MORRIS.								
	Warrant, Survey to	George Morris,	1676	Mar. 27	2		19		90 Acres.
	Survey to	D ^o	1678	Mar. 1	2		104		104 Acres.
	Patent to	D ^o			10	2	25		104 bounds as in Fol. 104.
58	SAMUEL MARSH, jun.								
	Warrant, Survey	Samuel Marsh, jun.	1676	Mar. 28	2		20		180 Acres.
	Survey to	ditto,		Aug. 1	2		31		100 on Warrant of March 28.
	Patent to	ditto,		Nov. 30	1		159		100 Acres.
59	WILLIAM OLIVER,								
	Warrant, Survey	William Oliver,	1676	Mar. 27	2	3 oth. end 7	19		Swore Fidelity to the Lords Proprietors.
	Survey to	D ^o	1678	Mar. 1	2		103		180 Acres, a Way to be left thro' it to Wm. Piles to go to the Meadows.
	Patent to	D ^o			10	2	25		162 Acres.
									162 bounds as in 103.
60	DAVID OGDEN,								
	Warrant, Survey	David Ogden,	1676	April 27	2	3 oth. end 7	21		Swore Fidelity to the Lords Proprietors.
	Survey to	D ^o		Sept. 28	2		42		120 Acres.
	Patent to	D ^o		Dec. 9	2		162		73 on Warrant of April 27, 1676, part bounds on the Sound or Great River.
	David Ogden,	Jonas Wood,	1686	Aug. 25	8		46		73 Acres.
									His Patent in Elizabeth Town.
61	JOHN OGDEN, jun.								
	Warrant, Survey	John Ogden, jun.	1676	June 14	2	3 oth. end 7	24		Swore Fidelity to the Lords Proprietors.
	Survey to	D ^o	1678	Aug. 2	2		91		150 Acres.
	Patent to	D ^o		Nov. 10	2		22		85 Acres.
									85 bounds as in 91
62	JOSEPH OSBORN,								
	Warrant, Survey to	Joseph Osborn,	1876	May 31	2	3 oth. end 7	24		Swore Fidelity to the Lords Proprietors, and is one of the Petitioners to have his Lands laid out, &c.
									150 Acres.
63	GEORGE PACK,								
	Warrant, Survey	George Pack,	1676	Mar. 27	2	3 oth. end 7	19		Swore Fidelity to the Lords Proprietors.
	Survey to	D ^o	1678	Aug. 10	2		96		120 Acres.
	Patent to	D ^o		Nov. 10	2		21		118 Acres.
									118 as in Fol. 95
64	JOHN PARKER,								
	Warrant, Survey to	D ^o	1675	Oct. 6	2	3 oth. end 7	3		Swore Fidelity to the Lords Proprietors.
	Survey to	D ^o	1676	April 28	2		26		90 Acres on his own Right.
	Patent to	D ^o		June 10	1		149		96 Acres.
									96 ditto.
65	WILLIAM PILES.								
	Certificate of	William Piles, Rights	1675		3	24			His Rights
									{ A third Lot bought of the Governor 240
									Bought of Mr. Ogden, 80
									of Caleb Carwithy, 30
									Two Servants, 120
	Warrant, Survey	D ^o	1676	April 8	2		20		320 and 60 he bought of Mr. Ogden.
	Survey to	D ^o		Aug. 25	2		38		470
	Patent to	D ^o		Nov. 23	1		156		394 Acres.
66	BENJAMIN PARKIS.								
	Claude Vallot,	Benjamin Parkis,	1672	Aug. 8	1 o. e. 134				His House and Alotments in Elizabeth Town, a third Lot Right.
	Warrant, Survey to	D ^o	1675	Mar. 14	2		18		180 Acres.
	Survey to	D ^o	1678	Aug. 10	2		96		183
	Patent to	D ^o		Nov. 10	2		22		183 bounds as in 96
	Commission to	D ^o	1683	Mar. 28	C		13		To be one of the Judges of small Causes.

SCHEDULE N^o VIII. continued.

N ^o of Osborn's App.	Grantor.	Grantee.	Date		Recorded		Thing granted, and other Things remarkable in the Instrument.
			Year.	Mon. Day.	Lib.	Fol.	
67	JOHN POPE,				3 oth. end 7		Thomas Pope swore Fidelity to the Lords Proprietors.
	Warrant, Survey to	John Pope,	1676	Mar. 28	2	20	100
	Warrant ordered to	D ^o	1686	July 8	M.C.	62	150 to John Pope.
	Warrant, Survey to	D ^o		9	L	99	150 in Elizabeth Town.
	Survey to	D ^o	1687	Mar. 20	L	197	120 Acres.
	Patent to	D ^o	1688	April 26	B	370	Patent for 150 on Raway River.
	John Pope,	Thomas Mulliner,		Octo. 24	D	297	30 in Elizabeth Town, West by Jeffery Jones, of what was surveyed March 20. 1687-8.
68	BENJAMIN PRICE, jun.						Is one of the Petitioners to have his Lands laid out, &c.
	Warrant, Survey	Benjamin Price, jun.	1676	April 8	2	21	270 Acres.
	Warrant, Survey	ditto			8	21	90 Acres.
	Survey to	ditto	1689	May 8	O	40	90 in Elizabeth Town.
	Warrant Survey to	ditto,	1693	Aug. 3	O	105	110 Acres, which with what he has surveyed is 200.
	Survey to	D ^o on Warrant of			3	107	200 in Elizabeth Town.
	Warrant to	Benjamin Price, jun.	1694	April 27	O	106	In Right of Jonathan Ogden 6 Acres, of Nathaniel Bonnell 6, of Mathias Hatfield 12, conformable to Carterets
	Patent to	ditto,		May 23	E	119	200 in Elizabeth Town. [Warrants.
	Commission to	ditto,	1695	Aug. 22	C	233	To be Justice of the Peace.
69	JEREMIAH PECK.						
	Warrant, Survey, to	Jeremiah Peck,	1676	May 9	2	22	180 Acres.
	Survey to	ditto,	1678	Octo. 14	2	98	223 part bounds on Sound or Great River.
	Patent to	ditto,			21	11	223 as in 98.
	Jeremiah Peck,	Samuel Wilfon,	1679	Octo. 23	D	178	His Lands in Elizabeth Town, by Patent Octo. 21, 1678.
70	SIMON ROUS.						
	Warrant, Survey	Simon Rous	1675	April 8	2	1	180 and House Lot and Meadow in Elizabeth Town.
	Survey to	ditto,	1676	Aug. 28	2	32	180
	Patent to	ditto,		Nov. 30	1	159	180 Acres. [Quitrents.
	Simon Rous,	Jonas Wood	1678	May 29	1	108	6 of Meadow in his Patent on Elizabeth Town Creek paying
	Jonas Wood,	Simon Rous,			29	109	Sundry Parcels in Eliz. Town, paying Lords Proprs. Quitrents.
	Simon Rous,	Jonas Wood,			29	44	Exchange of Lands in their Patents in Elizabeth Town.
	Robert Vanquillen,	Simon Rous,	1679	Nov. 27	1	139	His Lands on Raway paying Proprietors Quitrent.
	Patent to	ditto,	1685	Jan. 6	D	59	4 Acres being a small Island in Raway, Quitrent a Fat Hen every March 25.
	Warrant, Survey to	ditto,			29	53	100 in Elizabeth Town.
	Survey to	ditto, on Warrant,			29	196	100 on Raway and Popes Brook.
	Patent to	ditto,	1688	April 27	B	372	For 100 on Raway and Popes Brook.
71	JOHN SIMKINS.				3 oth. end 7		Nathaniel Simkins, swore Fidelity to the Lords Proprietors.
	Warrant of Survey to	John Simkins,	1676	Nov. 23	2	41	80 in Elizabeth Town.
	Survey to	ditto,	1678	Aug. 5	2	102	89 Acres.
	Patent to	ditto,		Feb. 10	2	24	89 Acres as in Fol. 102.
72	ROBERT VANQUILLEN,				3 oth. end 7		Swore Fidelity to the Lords Proprietors. [nor.
	Warrant, Survey to	Robert Vanquillen,	1675	April 12	2	3	300 in Right of himself and Wife that came with the Gover-
	Survey to	ditto.	1678	Aug. 2	2	91	127 Benjamin Price caveats against 4 Acres of it.
	Survey to	ditto.			10	91	64 Acres.
	Patent to	ditto.		Nov. 10	2	22	127 as in 91.
	Patent to	ditto,			10	22	64 as in 91.
	Robert Vanquillen,	Simon Rous,	1679	Nov. 27	1	239	His Land on Raway, paying Proprietors Quitrents.
73	PETER WOLVERSON.				3 oth. end 7		Swore Fidelity to the Lords Proprietors.
	Warrant, Survey to	Philip Carteret,	1675	Mar. 14	2	19	486 in Right of Peter Wolverfon, See N ^o 47, Gov. Carteret
	Warrant, Survey to	Margaret Baker,	1676.7	Feb. 1	2	50	200 in Right of Peter Wolverfon.
	Survey	ditto,	1677	April 14	2	55	224 on Warrant Feb. 1.
	Patent	ditto,			24	167	224 as in Fol. 55.
74	BENJAMIN WADE.						
	Warrant Survey	Benjamin Wade,	1675	Mar. 14	2	19	120 Acres.
	Survey to	ditto	1676	Sept. 28	2	23	144 on Warrant June 12, 1676, part on Elizabeth River.
	Patent to	ditto		Nov. 6	1	159	144 Acres.
	Mary Pope to	ditto,		Feb. 25	1	71	Deed with Covenant, to procure a Patent for the Premises, Witnes Luke Watfon,
	Nicholas Carter	ditto,		Mar. 16	1	73	A House Lot containing 4 Acres, with 40 Acres of Upland in Elizabeth Town, free of Rents, except what shall become due from the Date.
	Warrant, Survey to	ditto,	1685	Feb. 6	L	53	100 Acres in Elizabeth Town.
	Survey to	ditto,	1686	April 13	L	102	100 in Elizabeth Town.
	Patent to	ditto,		July 26	A	407	100 Acres.
75	Capt. THOMAS YOUNG,				3 oth. end 7		Swore Fidelity to the Lords Proprietors.
	Warrant, Survey	Capt. Tho. Young,	1675	Mar. 14	2	18	240 Acres.
	Survey to	ditto,	1679	Mar. 25	1	105	112 Acres.
	Patent to	ditto,			30	26	112 bounded as in 105.

Capt.

SCHEDULE, N^o VIII continued.

N ^o of	Grantor,	Grantee.	Date Year. Mon. Day.	Recorded. Lib. Fol.	Thing granted, and other Things remarkable in the Instrument.
76	Capt. JOHN BAKER, of Nicholls's Patent.				
	Warrant Survey to	Capt. John Baker,	1675 Mar. 14	2 18	1200 Acres for himself, Wife, and 8 Persons of his Family.
	Survey to	ditto, on Warrant,	14	O 88	440 in Elizabeth Town, R. Vanquillen, Surveyor.
	Jonas Wood to	D ^o	1677 April 17	1 76	Recites Patent dated O ^{ro} . 14, 1676. and releases the Land to Capt. John Baker, acknowledged before Gov. Carteret.
	Commiffion to	D ^o	1682 Mar. 28	C 19	To be one the Judges of the Court of Common Right.
	Commiffion to	D ^o	1683 Mar. 28	C 13	To be Coroner till otherwise ordered.
	Warrant of Survey to	D ^o	June 6	L 3	1200 in Place of Warrant, 1200 in Carteret's Time.
	Commiffion to	D ^o	Aug. 14	C 13	To be one of the Judges of the Court of Common Right.
77	JOHN OGDEN, of Nicholl's Patent.				
	William Piles,	Claim of Right,	1675	3 oth. end 7	Swore Fidelity to the Lords Proprietors.
	Warrant, Survey to	John Ogden sen.	1678 O ^{ro} . 29	2 24	To 80 Acres bought of Mr. Ogden.
	Jane Ogden, Widow	of John Ogden,	1685 Nov. 13	M.C. 97	300
				41	Prays Patent for 300 in Right of her Husband, deceased, granted, paying Arrears of Quitrents.
78	LUKE WATSON, of Nicholls's Patent.				
	Luke Watfon to	William Cafe,	1673 July 20	1 38	Swore Fidelity to the Lords Proprietors.
	Warrant, Survey to	Luke Watfon,	1675 Jan. 21	2 17	100 Acres of Watfon's Point, to be surveyed by the Surveyor General, part on Elizabeth River.
	Survey to	ditto,	1678 Aug. 10	2 95	300 Acres for himself and 100 for Edward Cafe.
	Patent to	ditto,	Sept. 21	2 10	330 Acres.
	Luke Watfon to	William Broadwell,	O ^{ro} . 30	1 114	330 bounds as in 95.
	Luke Watfon to	Joseph Frazey,	Nov. 11	1 115	148 Acres as in his Patent upon Record, free of Incumbrances but what shall be from Date.
					170 Acres as in his Patent.
79	ABRAHAM SHOTWELL,				
	Warrant Survey to	Philip Carteret,	1675 Mar. 14	2 19	Swore Fidelity to the Lords Proprietors.
	Warrant, Survey	John Shotwell,	1683 May 29	L 1	150 Acres in Right of Abraham Shotwell.
	Survey to	ditto,	July 24	L 4	4 Acres, besides Pitle in Eliz. Town as Heir of Abraham.
	Patent to	ditto,	25	A 41	Of four Acres and one Acre.
					Of a House and Pitle at Elizabeth Town, 1 d. per Acre, as Heir to Abraham Shotwell, and paying Arrears.
80	DENNIS WHITE,				
	Christopher Young,	Dennis White,	1667	1 o. e. 1	Swore Fidelity to the Lords Proprietors.
	Warrant, Survey to	Philip Carteret,	1675 Mar. 14	2 19	Conveys his first Lott Right in Eliz. Town to Dennis White, viz. His House Lot 4 Acres, &c.
	Survey to	Dennis White,	1676 Sept. 28	2 51	120 in Right of Dennis White.
	Patent to	ditto,	1677 Feb. 20	1 166	110 Acres, a House Lot, and Addition, and three other [Parcels]

SCHEDULE, NUMB. IX.

Surveys in Elizabeth Town.

To whom surveyed.	Date		Recorded.		On whose Proprietary Right, by what Deputy, &c.
	Year.	Mon. Day.	Lib.	Fol.	
John Harrison,	1717	Feb. 18	2	149	30 $\frac{1}{2}$ in Right of Barker's $\frac{1}{2}$ Propriety, H. Rolph, Deputy.
ditto,		25	2	150	105 West by Henry Norris, and N.W. by Robert Moss.
Edward Jones,	1718	May 2	2	153	126 on Raway River, in Right of John Harrison's Deed to him for 126 Acres April 1718; H. Rolph, Deputy. Begins on Jeffrey Jones's Corner.
John Marsh,		13	2	153 &c.	96 in Right of his Deed from J. Harrison for 96 Ac. Mar. 1, 1717, 18. J. Herriman, Dpu
John Morris,		22	2	155	16 in Right of his Deed from J. Harrison for 16 Ac. May 1, 1718. H. Rolph Deputy.
Daniel Sallie,		14	2	155 &c.	97 in several Tracts, one a Piece of Salt Meadow on bound Creek, in Right of his Deed for 100 from John Johnston, April 19, 1718. Daniel Dod, Deputy.
Jof. Meeker, Sheriff of Essex County.	1717	Nov. 29	2	157	22 in Right of Dr. Johnston's Deed for 30 Ac. Sept. 1, 1717. D. Dod, Deputy.
ditto,	1718	May 14	2	158	$\frac{1}{2}$ including his Mill, on Bound Creek.
John Craig,		15	2	159	20 $\frac{1}{2}$ in Right of his Deed from G. Willocks for 20 $\frac{1}{2}$ Mar. 24, 1717, 18. H. Rolph, Deputy.
Joseph Kelfy,		14	2	160	13 Right of his Deed from Willocks for 13, Mar. 19, 1717, 18.
Jeremiah Bird,		24	2	161	44 in Right of his Deed from Willocks for 44 Ac. April 3, 1718, bounds on Jof. Kelfy John Herriman, Deputy.
Henry Norris,	1717	July 5	2	162	200 in 7 Tracts, one bounds on Eliz. River, one on Bound Creek, in Right of New-Jersey
Samuel Scott,	1718	May 14	2	171	20 in Right of his 20 from J. Harrison. April 2, 1718. [Society] H. Rolph, Deputy.
John Thomson,		Aug. 22	2	177	20 in Right of his Deed for 20 from Dr. Johnston, May 15, 1718. D. Dod, Deputy.
John Shotwell,		25	2	178	43 in Right of his 100 from Dr. Johnston, Feb. 12, 1717, 18. J. Herriman, Deputy.
ditto,		25	2	179	41 in ditto Right. Henry Rolph, Deputy.
John Harrison,		May 22	2	180	54 in Right of himself, H. Rolph, Deputy.
Jacob Arents,	1717, 18	Feb. 24	2	183	101 Acres as Attorney to John, Robert, and Wm. Cashart, in Right of their Deed from Thomas Warne for 600, Sept. 7, 1714.
Adam Blakman,	1718	Sept. 11	2	187	21 in Right of Robert and William Casharts Deed from T. Warne.

John

SCHEDULE, N^o IX continued.

To whom surveyed.	Date			Recorded.		On whose Proprietary Right, by what Deputy, &c.
	Year.	Mon.	Day	Lib.	Fol.	
John Herriman, Esq;	1718	Nov.	20	2	191	19 $\frac{1}{2}$ in two Tracts, one a Piece of Meadow joining J. Whiteheads Meadow on Oyster Creek, in Right of Dr. Johnston.
ditto.		Feb.	4	2	194	20 $\frac{1}{2}$ joining Jonathan Ogden's in ditto's Right.
Samuel Winans,		Mar.	2	2	195	15 in ditto's Right.
Jof. Meeker, jun.		Mar.	4	2	195	81 in ditto's Right in three Tracts, the third a Piece of Meadow within the Town Plat of Elizabeth Town, on Elizabeth Creek.
Na. Whitehead, jun.		Feb.	28	2	196	25 begins at the Corner of a small Tract of Land claimed by Joseph Bond of Eliz. Town: in Right of John Harrison.
Ebenezer Lyon,		Mar.	6	2	196	64 in three Tracts, in Right of John Harrison. J. Herriman Deputy, on Woodruffs Creek:
ditto.			9	2	197	11 $\frac{1}{2}$ in the Great Neck, in ditto's Right. J. Herriman, Deputy.
Christopher Wood,			11	2	198	34 $\frac{1}{4}$ upon the Highway from Elizabeth Town and Newark. J. Herriman, Deputy.
ditto,			13	2	198	40 in Elizabeth Town great Meadows, upon Bound Creek Lots. Ditto, Deputy.
Ebenezer Lyon,			16	2	199	25. two Pieces of Land in Eliz. Town great Meadows, one bounded North by the Bound Creek, in Right of John Harrison. J. Herriman, Deputy.
Daniel Sallie,			7	2	200	16, a Tract of Meadow on the Bound Creek, in Right of Dr. Johnston. J. Herriman, De.
Joseph Meeker, jun.			23	2	201	74, in four Tracts, two lying on Bound Creek, in Right of James Alexander. D. Dod, Depu.
ditto.	1719	Mar.	28	2	202	13 $\frac{1}{4}$ lying in Elizabeth Town Meadows, in ditto's Right.
Benj. Ogden on Wart.						
of May 17, 1686.	1689	June	1		203	56 in three Tracts, one a Piece of Meadow in the Great Meadows.
James Hampton,	1719	May	15		205	42 In Right of George Willocks. J. Herriman, Deputy.
John Harrison,	1718, 19	Mar	23		206	61 $\frac{1}{2}$ on the South side of Bound Creek, in Right of Dr. Johnston.
Dr. John Johnston,	1719	May	15		206	38 in Right of himself. Begins at a Corner of Henry Norris.
John Harrison,		Jan	31		209	8 in Eliz. Town Neck in Right of himself. [Alexander.
El. Davis, Jo. Dagwor	1721	July	25		215	9 $\frac{1}{2}$ a Slip of Land or Island at Eliz. Town Bridge, near the Saw Mill, in Right of James
Benj. Bond, [thy.		Nov.	18		218	20 in Right of the New-Jersey Society, also recorded in S 20. J. Herriman, Deputy.
John Hendricks,		May	17	2	219	28, 65 in two Pieces, one a small Island in the Sound, containing three Acres, called Buck-
ditto,		Dec.	1	2	219	19 wheat Island, in Right of Hollinshead.
Henry Rolph,		Nov.	15	2	222	71, 35, begins about a Mile and a Half N.W. from John Blanchards now Dwelling-House, [in ditto's Right.
Jacob Arents,	1720	Feb.	16	2	222	85 $\frac{1}{2}$ in two Tracts, in Right of James Alexander.
ditto,			16	2	222	53, in two Tracts near the Plains, in Right of Thomas Warne.
Robert Ogden,	1721	Dec.	1	2	224	28 in Right of Tho. Warne. Begins at the West Branch of Raway.
				2	224	95 in Right of the New-Jersey Society, Jasper Crain's 700. J. Herriman, Deputy.

SCHEDULE, NUMB. X.

N^o 1
Daniel Cooper } *versus* { John Crain,
Samuel Norris, fen.
Samuel Norris, jun.
John Scudder,
John Terril,
Joseph Mofs,
John Denman, } *severally.*

Middlesex, fs. JOHN WORTH, aged about Seventy Three Years, says he was born in Woodbridge; says, that when he was very young, he remembers a great Combustion between the Indians and the People of Woodbridge and Piscataway, the Indians alledging that the English cut their Trees, mowed their Meadows, and took their Lands from them; and that they threatned to burn the Houses of the People that had settled in Piscataway; that the Indians denied, that the Lands they had sold to Elizabeth-Town People, extended so far as Piscataway; that after the Combustion the People of Woodbridge and Piscataway agreed to purchase what the Indians said was not before purchased; that he thinks he remembers the People going out to meet the Indians in order for the Purchase, and thinks he remembers their Return; and heard them say (he thinks) on their Return from the Purchasing, and very often since, that the Indians had gone with them to some Place about Kents-Neck, where the Indians said that they had sold before, and no farther: And that the Indians with their King before them went up along the Raritan River, in sight of it till they came to Bound Brook, then went up the Bound Brook to Cedar Brook, then up along Cedar Brook some Distance, and mark'd a Corner; and then struck off to Minisink Path, and mark'd Trees along, and then went and mark'd along Minisink Path to Kents-Neck again; and the Indians pointing towards Wood-bridge said, That what was on that Side of Minisink Path, they

had sold before; and pointing to the other Side of the Path, said, That which we have now gone round is what we have now sold you;----says, That that Minisink Path came from Monmouth County, and crossed Raritan at Kents-Neck, and crossed the Country up pretty nigh by John Laing's Place;---says, That Kents-Neck is about two or three Miles from Amboy point, up Raritan River; ---says further, That he remembers Gawen Lawrie's purchasing of the Indians; that it contains a large Tract of Land up by the Blew Hills; that at that Time, nor till lately, he heard no Pretence that that Land was purchased of the Indians before; nor that none of the Elizabeth-Town People did pretend to it: He remembers the surveying of sundry Tracts of Land up by the Blew Hills in that Purchase of Gawen Lawry, he thinks by George Keith some, and some by John Reid, many Years ago; and several People settled there upon the Proprietors Title, and particularly John Barclay, one old Alexander, one Forbes, and he remembers one Cole and his two Sons had Head Lands and settled there, and they all settled there quietly under the Proprietors so far as he ever heard; and so remained for many Years, he believes above twenty Years, without any Pretence by Elizabeth-Town People, as far as he knows, has heard, or believes;---says, That the Coles was about two or three Miles from John Laings, and that old Alexander was settled near the Place where one Webster now lives, and where one Abraham Shotwell now lives, or thereabouts;--says, that he has no Lands, nor never had any Lands within any of the Elizabeth-Town Claims; that what Lands he had or has, lies within what the Elizabeth Town People conveyed to Daniel Pearse of Woodbridge, except that he married a Widow who had some Lands at Raway, on the Elizabeth Town Title, which he joined with his Wife's, in conveying to his Wife's Daughter by her former Husband, and had not one Farthing Consideration for doing it; nor did he any Ways engage to Warrant it, to his Knowledge or Belief; and says he has no Manner of

SCHEDULE, N^o X. continued.

of Gain or Loss to his Knowledge by the Controversy between the Proprietors and *Elizabeth Town*, let it happen how it will. And the Deponent says, that he never heard to his Remembrance that the *Indians* laid claim to any Lands they had once sold and mark'd out; and that after the said Purchase by *Woodbridge* and *Piscataway* People, he never heard of any Claim of or Disturbance to them from the *Indians*, for what was purchased as before. And the Deponent says, that *Barclay, Forbes, Coles*, and old *Alexander* before mentioned, and also *Thomas Fullerton* and *Robert Fullerton*, settled very soon or immediately after, and upon *Garwen Lawry's* Purchase aforesaid: And the Deponent says, its about, or he thinks rather above sixty Years, since *Codrington, White, Royce, Peter Vanest*, old *Jerome*, the *Tunisons, Graham*, and sundry others settled on the North Side of *Raritan*, above *Bound Brook*; but some settled later than others. And being interrogated on the Part of the Defendants, says, That he does not know how young he was when the Combustion was between the People of *Woodbridge* and *Piscataway*, and the *Indians*; nor did he see the *Indians* when they came down and made the aforesaid Combustion, but heard it talk'd of among the *English* People, who were very much affrighted;--- says, That at that Time there were an hundred *Indian* Men to one white Man, thereabouts, as he believed; and that the *English* lived in great Peril; heard the *English* said, that the *Indians* denied that they had sold any Land above *Kents Neck*, but did not hear the *Indians* say it:--- And further says, that he heard the *English*, being greatly affrighted by the *Indians*, apply'd to Governor *Carteret*, who sent some Persons with the *Woodbridge* and the *Piscataway* Men to purchase of the *Indians*; and heard that the *Indian* Grant was made to the Proprietor, and in his Name; and remembers that some of the *Woodbridge* and *Piscataway* People were greatly disquieted with the Deeds being in the Proprietor's Name, as they paid the Purchase Money. And further saith not

Sworn the 23d Day of March, MDCCXLI, before
JOHN WORTH.
(the Words *denied* and *his*, being interlined in the third Page.)
ROBERT HUNTER MORRIS.

N^o 2
Daniel Cooper } versus { John Crain,
Samuel Norris, sen.
Samuel Norris, jun.
John Scudder,
John Terril,
Joseph Moss,
John Denman, } severally.

Middlesex, ss. **EBENEZER LINDSLEY**, who declares he is about Seventy Seven Years old, and lived Seventy Five Years in *Newark* testified, that he has often heard from several of the ancient People of *Newark*, and from the *Indians*, that *Elizabeth Town* by their first Purchase, purchased no further Northward than *Bracket's Brook*; and that when *Newark* People made their Purchase, the *Indians* would have sold the Lands so far; which *Newark* People refused; whereupon the *Indians* said they would then sell those Lands to *Elizabeth Town* People: And has often heard from the same People of *Newark*, that they were informed by the *Indians*, that the People of *Elizabeth Town* afterwards made a second Purchase of the *Indians* from said *Bracket's Brook* to *Newark* Line, for one Anchor of Rum; which Information was given by the *Indians* on their Return from the Sale thereof, as they said. And he heard one *Dalglish* say, (who he was informed was with the Surveyor when *Newark* Purchase was made) that they purchased to the *Bound Creek* up to the Head of the Cove, and from thence West to the Mountain; and that he often heard from the ancient People of *Newark*, that at a Meeting of the Committee of *Newark* and *Elizabeth Town*, it was agreed that *Elizabeth Town* should hold the Lands lying between *Newark's* West Line from the Head of the Cove, and a North West Line from *Dividend Hill*, on Condition of *Elizabeth Town* People's purchasing for *Newark* the Neck of Land now called *New-Barbados-Neck*. In Confidence whereof, three of the ancient People of *Newark*, (to wit) *Mr. Edward Ball, Nathaniel Wheeler*, and one *Baldwin*, went and settled on said Neck; but *Elizabeth Town* People not purchasing said Neck of Land, and the same being afterwards purchased by others, they removed off from said Neck to *Newark* again; and also remembers the Talk of said old Men coming off said Neck at the Time when they removed off from the same; hearing also the Reason to be, because *Kingsland* and

Sandford had purchased the same Neck; and farther, that he remembers also to have heard at the Time of it, that the People of *Newark* sent to the People of *Elizabeth Town*, to meet them, to alter the North West Line from *Dividend Hill*, to said West Line as was before; and that *Newark* People went out and met two of the People of *Elizabeth Town*; and that they then reversed and made void the former Agreement relating to said North West Line, and agreed, that the old West Line should be again the Division Line between the said Towns; but does not remember the Names of the People of *Elizabeth Town* who then met, or to have heard that any Agreement was put into Writing; and [believes] no Writing was executed between the People of *Newark* and *Elizabeth Town*, relating to said Agreement; and that *Newark* People to his Knowledge, ever since his being Sixteen Years of Age, claimed and peaceably possessed the Meadows to *Bound Creek*; and never heard of *Elizabeth Town* laying any Claim to any Meadows to the Northward of said *Bound Creek*, till within a few Years past; and that he never heard that the Fathers of the present People of *Elizabeth Town* bought of the *Indians* further Westward than the first Mountain, till very lately: And further says, that the *Indians* call Brooks and Rivers by the Name of *Sepouse*, as he has always heard and understood; and that he pretty well understood the *Indian* Language: And further says, that he remembers ever since he was able to ride to Mill, that the Stream now called by some *Meadlubes Brook*, whereon *Mr. John Low's* Mill now stands, was called the *First River*, from *Newark*; and that whereon *Mr. Courtland's* Mill, was called by the Name of the *Second River*; and the *Third River* so called, is whereon *Mr. Broadberry's* Mill now stands. And being cross examined by the Defendants, further saith, That he has heard, that before the *Newark* People made their Purchase, that it was the Desire of the People of *Elizabeth Town*, that the People who first settled *Newark* would settle near them on the North Side of *Bound Creek*: And further says, that he has heard that the Country at that Time was very full of *Indians*, and believes that the first Settlers were afraid of them; and believes that the *Elizabeth Town* People desired them to settle there, by Reason of their Fear of the *Indians*: And farther says, that he never heard that the Fathers of the *Elizabeth Town* People bought any farther Westward than their first Purchase, which he understood to be to *Raway River*. And being further examined on the Part of the Plaintiff, says, That he always heard that the People of *Newark* first purchased of the *Indians* before they settled at *Newark*; and further this Deponent saith not.

Sworn the 22d Day of March, MDCCXLI, before
EBENEZER + LINDSLEY.
Mark
(the Word *believes*, being first interlined, and the Words *first Settlers*, being obliterated in the last Line of the second Page.)
ROBERT HUNTER MORRIS.

N^o 3
Daniel Cooper } versus { John Crain,
Samuel Norris, sen.
Samuel Norris, jun.
John Scudder,
John Terril,
Joseph Moss,
John Denman, } severally.

Middlesex, ss. **JONATHAN TICHENOR**, (being in the Seventy Eighth Year of his Age, from the Beginning of *March* Instant) being sworn on the holy Evangelists of Almighty God, saith, That he, when about Twenty Years of Age, was present at a Meeting of several Men of *Newark* and *Elizabeth Town*, who were those who first purchased of the *Indians*; which Meeting was at the Head of the Cove of *Bound Creek*, and was then and there shewed the Stub of a Tree, which had been mark'd for the South Bounds of the Purchase of *Newark*, and not questioned by any one then present there, there then being one of the Persons who mark'd the same at the Time of the said Purchase; and a West Line was then partly run with a Compass from said Stub, standing at the Head of the Cove, for the Bounds of *Newark*: But a Dispute and Quarrel then arose between the People of said Towns, on the Pretence of a former Agreement made between said Towns, which was, as the said Deponent was then and at several other Times informed, by several of the People of *Elizabeth Town* and of *Newark*, that the Partition Line between said Towns should be a North West Line from *Dividend Hill* to the Mountain, on Condition the People of *Elizabeth Town* should purchase for the People of *Newark*, a Neck of Land now called *New-Barbados*, in

SCHEDULE N^o X. continued.

in Lieu of the Land lying between a West Line from the Head of the Cove aforesaid, and said North West Line from Dividend Hill : And further, that the People of *Elizabeth Town*, on said Dispute with *Newark*, made no Pretence of their purchasing of the *Indians* any Lands to the Northward of said West Line from said Cove, so far as he either understood, believes or knows, but founded the Pretence wholly to the said Lands on the conditional Agreement aforesaid : And further saith, that he often heard from the antient People of *Elizabeth Town* and *Newark*, and in particular from one *Jonathan Ogden*, Son of *John Ogden*, one of the Grantees of *Elizabeth Town*, (who then and till his Death lived in *Elizabeth Town*, and knew no other of that Name about that Time) that *Eliz. Town's* first Purchase extended no farther Northward than a Brook called *Brackets Brook* ; and that the People of *Eliz. Town* afterwards, and after *Newark's* Purchase was made, made a second Purchase of the *Indians* of those Lands, lying between *Brackets Brook* and *Newark Line* aforesaid ; and further, that he never heard of *Eliz. Town* People purchasing or claiming any Meadows lying to the Northward of *Bound Creek*, till within one Year and an half last past ; but always understood, that the *Bound Creek* was the Division between *Eliz. Town* and *Newark* ; and further, that the *Indians* gave the Name *Sepouse* to all Rivers, Brooks, and Running Waters, as he always understood it ; (being capable in his younger Years to understand and talk the *Indian Language*) and further, that the Stub of the mark'd Tree aforesaid, is about three Quarters of a Mile, or one Mile, to the Southward of Dividend Hill. And being Cross-examined by the Defendants, saith, that the People present at the Dispute aforesaid, before called *Eliz. Town Men*, were *John Lyon*, *Joseph Lyon*, *Nathaniel Lyon*, and some of the *Meekers*, and several others that he has forgot ; and says, that the said *Lions* then lived at the Place now called *Lions Farms* ; and says, that there was no Agreement, nor Condition of Agreement, then written, that he ever knew or heard of, and believes that there was none ever written ; and further says, that the Place called *Lions Farms* he did not then call *Eliz. Town*, but the *Lions* claimed it as *Eliz. Town Men* ; and says, that the *Lions Farms* lye to the

North of a West Line from the Head of the said Cove, [and several more Farms are now held to the North of a West Line from the Head of the said Cove,] and to the South Westward

of the North West Line from Dividend Hill, and as he thinks under the *Eliz. Town* Claim ; and says, that he thinks the above mentioned *Jonathan Ogden* was not the eldest Son of the said *John*, but that the said *John's* eldest Son was named *John* : And further saith, that he has heard and believes, that the *Newark* People first made their *Indian Purchase* with the Leave of the *Elizabeth Folks*, that is, the first Purchasers or Settlers of *Eliz. Town*, and from Governor *Carteret* ; and further says, that he never saw, nor ever heard any Man say, that he had seen any Deed of Purchase by the People of *Eliz. Town*, of the Land between the Line called *Newark Line* aforesaid, and *Brackets Brook*, to his Remembrance ; and further says, that he was formerly a *Newark* Man, and held Lands within the aforesaid *Newark Purchase*, and still lives within the said Purchase, and says he gave his Land to his Son *Jonathan* two or three Years ago, by Deed of Gift ; and says he has no Right in Common within *Newark* ; and says the Land he had in *Newark* is a great Way to the Northward of the West Line from *Passaic River* lately shown by the *Elizabeth Town* People to the Jury on the View, in the Cause on the Demise of *Penns* ; and says, that about eight Months ago, he released other Lands he had in *Newark* Claim to his Nephew *Daniel Tichenor* ; and says, that he is not now obliged by any Covenants to warrant or defend, or make a good Title to any of the Lands by him released as aforesaid, he having obtained a Release of some Covenants that he had formerly entered into to *Daniel Tichenor*, and Capt. *Nathaniel Wheeler* ; and since about eight Months ago released the same Lands again to the same Persons only, with Covenant against himself and his Heirs ; which was done in order that the Deponent might be an Evidence in the Cause on the Demise of the *Penns* against *John Chambers*, and was sworn, and gave Evidence as a Witness in the said Cause in *August Term* last. And further this Deponent saith not.

Sworn the 22d Day of March,

MDCCXLI, before

(the Words between the 24th

and 25th Lines of the

second Page, being first wrote.)

ROBERT HUNTER MORRIS.

N^o 4

Daniel Cooper

versus

John Crain,
Samuel Norris, sen.
Samuel Norris, jun.
John Scudder,
John Terril,
Joseph Mofs,
John Denman,

severally.

New-Jersey, }
Middlesex, }

vs. JEREMIAH OSBORN, of Morris Town, in the County of Morris, aged about Eighty Years, being one of the People called *Quakers*, on his solemn Affirmation, declares and affirms, that he was knowing to a Purchase of Governor *Lowry* from the *Indians*, of Land lying to the Westward of *Elizabeth Town*, and was a Witness to the Deed for the same now shewn to him, mark'd R H M on the Back thereof ; and remembers that he saw three of the *Indians* mentioned in said Deed, sign and seal the same, and believes the other also executed the same ; and remembers also, that *George Jewell*, *Benjamin Ogden*, and *Benjamin Griffith*, three other subscribing Witnesses to said Deed, were present at the Execution of said Deed, and signed as Witnesses to said Deed. And this Affirmant further says, that upon Governor *Lowry's* coming into this Country, he asked *Elizabeth Town* People how they held their Lands ; who answered him by *Nicholls's Grant* and an *Indian Purchase* ; and said *Lowry* asked and requested of the People of *Eliz. Town*, to shew him the Bounds of their Lands so purchased and granted, said *Lowry* then saying he had a Mind to make a Purchase of some Lands lying Westward of their Purchase ; and the People of *Eliz. Town* could not then satisfy said Governor *Lowry* in his Request, their Lands not being then mark'd out ; and soon after Capt. *John Baker*, one of the first Grantees of the Lands within *Elizabeth Town* Grant and Purchase, and the principal Men of *Elizabeth Town*, sent his Father to request and call the *Indians* together to mark out the Bounds of the Lands granted by the *Indians* to *Elizabeth Town* : And this Affirmant further saith, that his Father called several of the *Indians* together, being the Chief *Sagamores*, and particularly one old Indian then called *Hans*, who was said to be the only Survivor of the *Indians* that sold to *Eliz. Town* People the Lands contained in their first Purchase of the *Indians* ; and it was then said, that said *Hans* was the only Indian then living that knew where the

[intended] Bounds of said Lands were to be: Interlin'd in

And this Affirmant further saith, that Capt. the Original.

John Baker, and several others of the principal

Men of said *Eliz. Town*, and several young Men who were sent by the People of *Eliz. Town* to represent said Town, went with the *Indians* to mark out the Bounds of said Town ; but this Affirmant did not go himself ; and further says, that at the Return of said People of *Eliz. Town* and said *Indians*, he was told by Capt. *John Baker*, and divers others who went to mark out said Bounds, that they had mark'd out the same, beginning at the Westermost Corner of the Division Line that parts *Eliz. Town* and *Woodbridge*, being as he thinks, some Miles below the Mountains, thence running North-westerly towards a Gap or Break in the Mountain, where the *Green Brook* falls out of the Mountain ; and says that the said People told him, they guess'd that they stop'd half a Mile or three Quarters of a Mile short of the said Gap or Break in the Mountain ; then they turned their Course and went North-easterly, and continued it till they met with *Raway River* ; and then the *Indians* told them that *Raway River* was their Bounds to the End of the North Mountain, or opposite to the End thereof, and that the Branch running Southward and South-eastward of said North Mountain was then called and deemed *Raway River* ; and that on divers Occasions afterwards, this Affirmant had perfect Knowledge of those Lines, and saw several mark'd Trees in said Lines, agreeing with the Information he received as aforesaid ; and that afterwards he heard Capt. *John Baker*, and divers others of *Eliz. Town*, say, that they did not expect to have any more Land than what was marked out to them as aforesaid, and that they had to the full of what they expected by their Bargain with the *Indians* ; and that he did not hear of any one in *Eliz. Town* about that Time, or for several Years thereafter, discover any Dissatisfaction about the Bounds of *Eliz. Town*, marked out as aforesaid. And this Affirmant further saith, that the marking out of the Bounds of *Eliz. Town* as aforesaid, was some short Time before the aforesaid Purchase of Governor *Lowry*, but how long can't tell ; and that the said Purchase of Governor *Lowry* was publicly known in *Eliz. Town*, it being made in *Eliz. Town* where said *Lowry* then lived, and there paid the *Indians* ; and

SCHEDULE N^o X. continued.

and does not remember that any one of *Eliz. Town* found any Fault with said Purchase of Governor *Lowry*, or laid Claim to any part of the Land then purchased by said Governor *Lowry*; and that *George Jewell*, one of the Witnesses to said Deed to Governor *Lowry*, was, at the Time of Execution of the same Deed, a Dweller in said *Eliz. Town*, but knows not what Right he had in said Town; and that this Affirmant always understood that said *Benjamin Ogden*, who lived in *Eliz. Town*, had, at the Time of the Execution of the same Deed, a Right in said *Eliz. Town* Purchase; and believes that *William Broadwell*, one other Witness to the same Deed, at the Time of the Execution thereof, had a Right in *Eliz. Town* Purchase, and believes he lived at that Time in said Town; and that after said Bounds of *Eliz. Town* were marked out as aforesaid, *Stephen Osborn*, Father to this Affirmant, who was one of the Associates of *Eliz. Town*, did, to this Affirmant's Knowledge, acquaint Governor *Lowry*, that the Bounds of *Eliz. Town* were mark'd out in Manner as aforesaid, and that before Governor *Lowry* made the aforesaid Purchase of the *Indians*. And this Affirmant further

saith, that he knows the Brook called in said Indian Deed to Gov. *Lowry*, *Noluns Mabeguns*, but knows not by what Name now called; and that the same Brook is about twenty Chains to the Southward of the House of one *Bryant*, and that said *Bryant* lives about a Mile to the Westward of the now Dwelling House of *John Blanchard*, Esq; and that he believes the Pepperidge Tree mentioned in the same Deed to Governor *Lowry* to be standing by the same Brook, stood about South West from said *Bryant's* House; and that said *Bryant's* Plantation, whereon he now lives, at that Time belonged to *Stephen Osborn* and the Affirmant, and was never divided between them; and that one of the Lines of said Governor *Lowry's* Purchase, run thro' a Corner of said Land, then belonging to said *Stephen Osborn* and the Affirmant, and that *Minisink* Path went near as the Road now goes from *Eliz. Town* to *Morris County*, by *Samuel Carter's* now Dwelling House; and that he remembers a mark'd Walnut Tree that stood by *Pasaick* River, near a Bridge over the same River, called *John Day's* Bridge, to the Northward thereof, for a Corner of said Governor *Lowry's* Purchase; and also remembers a mark'd Birch Tree that stood on a Point of *Wabackick* Creek, for another Corner of said Purchase, and that said Creek is in the Place now called *Turkey*; and that he believes the Brook mentioned in said Deed to said Governor *Lowry* to be in a deep and rocky Gully, is the Brook now called *Green Brook*; and that he believes the Brake in the Mountain, mentioned in said Indian Deed to Governor *Lowry*, is the same Brake herein before mentioned; and that the Line of mark'd Trees mentioned in the same Deed running to a wild Cherry Tree, he believes to be the Line of mark'd Trees, mark'd out by the People of *Eliz. Town* and the *Indians* as aforesaid; which he believes, because this Affirmant knows, that the Agreement between Governor *Lowry* and the *Indians*, was, that said *Lowry* by his said Purchase should be bound East

Interlined. on said *Eliz. Town* Purchase. As to the second [Tract] in the said Deed, this Affirmant says he knows little or nothing of the Bounds therein; but deems the Plain mentioned in the Boundaries of the said second Tract to be the Plain

Interlined. since called the Scots [Plain, being the] Plain whereon *John Vail* now lives; that the Line of mark'd Trees in the said Line, run by the People of *Eliz. Town* and the *Indians* from *Woodbridge*, bounds towards the Gap in the Mountain, were about two Miles to the Eastward of the now Dwelling House of *John Vail*; and that he heard about the Time of said Purchase, that the Bounds of said second Tract extended to *Bound Brook*; and that he believes the *Great Swamp* mentioned in the same, lies near where one *William Laing* formerly lived; and that he knew one *Vincent*, whom he believes to be the same *Vincent* mentioned therein, who then lived near the Place now called *Raritan Landing*, and that he knew none other of that Name about that Time. And this Affirmant farther saith, that he always understood by the Information of his Father, and others of the first Settlers of *Eliz. Town*, that the *Indians* who made the first Grant to *Eliz. Town*, lived at the Time of making their said Grant on *Staten Island*; and that he always understood by Information, that the Interpreter made use of at said Purchase, was very unskillful in the *Indian Language*; and that he knows that the Grantors in the *Eliz. Town* Purchase, after said Purchase, lived on the Main Land; and that he perfectly remembers, that the *Indians*, when met as aforesaid with the People of *Eliz. Town* to mark out the Bounds of *Eliz. Town* aforesaid, declared in the Presence of said Capt. *John Baker*, and said principal Men of said Town, that the first River setting West out

of *Arthur Cull Bay*, mentioned in their Purchase, was the River now called *Bound Creek*; and does not remember to have heard at that Time any Objections made against the same by any of the People of *Eliz. Town*, nor at any Time thereafter, but seemed to be fully satisfied therewith, and declared they had to the full of what they expected. And this Affirmant further saith, that he was informed, that *Richard Baker*, eldest Son to *John Baker* at the Time of the Death of said *John*, (but that he had another Son before said *Richard* who died in the Life Time of the said *John*, and without Issue) had sold his Right to the Lands in *Eliz. Town*, to Dr. *John Johnston*, and believes he heard this in the Life Time of said *Richard*; the Word [Tract] and the Words [Scots Plain being the] being first interlined. And the said *Jeremiah Osborn* being cross examined on the Part of the Defendants, saith further, that he remembers that Governor *Lowry*, at the Time before mentioned, asked old *Isaac Whitehead* and Capt. *John Baker* (divers others of the principal Men of *Eliz. Town* being present, whose Names he does not remember) how they held their Lands, who answered as is before said; and says, he does not remember that he was present when *Hans*, before mentioned, came to explain the Bounds of *Eliz. Town*, before the Bounds were mark'd out as aforesaid; nor that he was present when Capt. *John Baker* and others were sent with the *Indians* to mark out the Bounds aforesaid. And further says, that what is before writ down on the Part of the Plaintiff, as to the *Indians* explaining the Bounds before they were mark'd out, and as to the People of *Eliz. Town* aforesaid being sent

with the *Indians* to mark them out, is [what he heard] *Interlined.* from Capt. *John Baker* and others of *Eliz. Town*, and *Indians*, before and at the Return of said *Eliz. Town* People and *Indians*, and often after the Bounds were mark'd out; and what is before mentioned as to the *Indians* explaining the Bounds before they were mark'd out, and as to the People of *Eliz. Town* being sent with the *Indians* to mark them out, he cannot say it of his own Knowledge, but only heard it as aforesaid; says, he does not know whether *George Jewell* aforesaid held by Town Right or by Patent from the Proprietors; also can't give any particular Account whether *Benjamin Ogden* aforesaid, held by Town Right or Patent; nor does he know of what Right *William Broadwell* had in the said Town, but understood that they were all three Associates; and says, that he remembers that he heard from his Father and divers others when he was young, that when the first Purchasers of *Eliz. Town* made their Agreement with the *Indians* for their Land, that the Lands bargained were described by a Stick laid upon the Ground to describe it one Way, and the same Stick laid twice in Length to describe the Land the other Way; that he cannot be positive as to the Names of the *Indians* who first sold to [the People] of *Eliz. Town*; that *Hans* was said *Interlined.* to be the only Survivor of those that were concerned

in the Bargain making with the first People of *Eliz. Town*, but cannot tell his *Indian* Name. And further says, that he was three Years old when his Father first brought him to *Eliz. Town*, and that these Persons following were deemed, and by this Affirmant understood, to be Associates of the first Purchasers of *Eliz. Town*, (to wit) *Benjamin Price*, *John Woodruff*, *Leonard Headly*, *John Hopkins*, *Isaac Whitehead*, *William Meeker*, *Joseph Meeker*, *Benjamin Meeker*, *William Pardon*, (who was Governor *Carteret's* Secretary, as this Affirmant understood) and one Capt. *Bollen*, and *Benjamin Homan*, *Henry Norris*, *Nathaniel onnell* and *Nicholas Carter*, *Hurr Thomson*, *Great John Wilson*, *Little John Wilson*, *Moses Thompson*, *Joseph Bond*, *Joseph Sears*, *Stephen Crain*, *Robert Moss*, *Peter Moss*, *Aaron Thompson*, *Nathaniel Tuttle*, *Barnaby Wines*, *Jonas Wood*, *George Ross*, *Samuel Marsh*, *James Haines*, *Charles Tucker*, *Humphry Spinnage*, *John Winans*, *William Johnston*, *Matthias Hatfield*, *Jeffrey Jones*, *Robert White*, *Stephen Osborn*, *William Letts*, *Jonathan Ogden*, *Joseph Ogden*, *William Cramer*, *Richard Clarke*; and further says, that he heard that Governor *Carteret* came in as an Associate of the first Purchasers of *Eliz. Town*, and had a third Lot Right; and says some of the People of *Eliz. Town* held a first Lot Right in the Town, [and some a second

Interlined. Lot Right in the Town.] and some a third Lot Right; and a second Lot Right was twice as much as a [first] *Interlined.* Lot Right, and a third Lot Right was three Times as much as a first Lot Right; and this Affirmant understood, that these Rights extended thro' the whole Bounds of the Town. And being further examined by the Plaintiff says, that he always understood that the Bounds of *Eliz. Town* extended no farther back than the Line mark'd out as aforesaid, which he understood from what he always

SCHEDULE, N^o X. continued.

always had heard from the ancient People of *Eliz. Town*, and the *Indians*. And further says, that the above Bounds were mark'd out at the Importunity, and repeated Requests of Governor *Lowry*, because he had a Mind to make a Purchase of some Lands from the *Indians*, not having any Mind to interfere with the *Eliz. Town* Purchase; which he never heard was done by the People of *Eliz. Town*, either out of fear to Governor *Lowry*, or the *Indians*. And further says, the following Persons, (to wit) *Richard Beech, Daniel Dehart, Joseph Frazzy, Henry Lyon, John Little, Roger Lambert, William Looker, Jacob Melley, Thomas Moore, George Morris, Samuel Marlb. jun. William Oliver, David Ozden, John Ogden, jun. Joseph Osborn, George Pack, John Parker, William Piles, Benjamin Parkis, John Pope, Benjamin Price, jun. Jeremiah Peck, Simon Rous, John Simkins, Robert Vanquillen, alias Laprairie, Surveyor to the Governor Carteret, Peter Wolverton, Benjamin Wade, Capt. Thomas Young*; were also deemed to be Associates; and says, that he understood by Associates, such who were admitted by the first Purchasers and Settlers into an equal Right with them; never heard that there was any Deed or Writing under Hand, or Hand and Seal, to admit them to be Associates; has heard there was a verbal Agreement among the first Purchasers to take in such a Number with them as to make the whole Four-score; and that they made what they called a Record of them, as such Associates were admitted. And farther being interrogated on the Part of the Defendants, says, That his Father and himself had an Indian Gift or Deed for some Lands joining [to the North West Side of the Lands marked by the *Indians* aforesaid, and joining] to *Rawley River*, described in the Bounds mark'd out by the *Indians* aforesaid; that he can't tell whether it is within *Eliz. Town* Claim or not. And being interrogated on the Part of the Plaintiff, says, He always understood that the Lands of the said *Indian Deed* were allowed by the People of *Eliz. Town* to his Father and him, and never were claimed by the People of *Eliz. Town* that he knows of, or believes; and says, the said *Indian Gift or Deed* was made to his Father and him some Time before the marking out of the Bounds of *Eliz. Town* as aforesaid. And being interrogated on the Parts of the Defendants, says, he does not know, nor does he remember to have heard, or does he believe, that *Samuel Lamb* ever cleared any Land on the said last mentioned *Indian Purchase*; nor does he know of any Land laid out on the said *Indian Purchase*; nor does he remember to have heard, nor does believe, that any Land was laid out upon the *Eliz. Town* Right for his Father, nor for himself, nor any other Person upon the *Eliz. Town* Right, within the said *Indian Purchase*. And being interrogated by the Defendants whether he had any Gain or Loss by the Event of these Causes, he answered, that he did not know that he should gain by the Plaintiff or Proprietors gaining those Causes; and did not know that he should have any Loss by their gaining.

his
Affirmed the 23d Day of JEREMIAH + OSBORN.
March, MDCCXLI, before Mark

(the Word *Tract*, the Words *Scots Plain* being *the*, being interlined in the third Page; the Words *what he heard*; the Words *the People of the*; Word *the*, being interlined in the fourth Page; the Words *and some a second Lot Right in the Town*, the Word *first*, being interlined in the fifth Page; and the Words *to the North West Side of the Lands mark'd by the Indians aforesaid, and joining*, and the Word *Defendants*, being interlined in the last Page.)

ROBERT HUNTER MORRIS.

N^o 5
Joseph Moss,
John Crain,
Samuel Norris, sen.
Samuel Norris, jun.
John Scudder,
John Terril,
John Denman,

adfect.

Daniel Cooper,

In several
Actions of
Trespass.

RICHARD CLARKE, aged about fourscore Years being Sworn upon the Holy Evangelists, saith, That he hath not one Foot of Land within the Claim of *Eliz. Town*; nor is he to his Knowledge, obliged to warrant or defend any Lands or Interest in any real Estate there; nor is he obliged to make good any Title to any Lands or real Estate there to his Knowledge or Belief;—says, that he formerly had Lands there, but he has conveyed them by Deed of Gift, Releases or Quit-Claim, to his Sons and others, some Years ago, and some within a Year: And further says, that he was born, as he hath heard, at *South-Hampton* on

Long-Island; and that he was brought to *Eliz. Town* by his Father, named *Richard Clarke*, when he was between sixteen and seventeen Years of Age;—says, That the *Eliz. Town* People about the Time of his first coming to *Eliz. Town*, said, that they had purchased from *Raritan River* up to *Snake Hill*; that afterwards he was present in Governor *Lowry's* Time, when there was a Dispute between the Governor and the People of *Eliz. Town*, about the Extent of their Bounds; and one of the *Indians*, an old Man that had first sold the Land, was present; the said *Indian* said the other two were dead, he called himself a *Segamore*, or King; and hearing of the said Dispute, he expressed some Anger; and declared, that the said *Indians* had sold to the People of *Eliz. Town*, all the Lands from *Raritan River* up to *Snake Hill*; that the Place where this was spoken, was at Capt. *John Baker's* House; which *John Baker* was, as this Deponent has heard, the *English* Interpreter when the first *Eliz. Town* Purchase was made, and one of the Grantees in Governor *Nicholls's* Grant to the People of *Eliz. Town*. And further says, that there was then present another *Indian*, who they then said was the *Indian* Interpreter at the same Time that the said Purchase was made by the People of *Eliz. Town*, of the said *Indians*; and that Governor *Lowry* was present at that Time, and the *Indian* chiefly directed his Discourse to him; and further said, throwing out his Arms, that the *Eliz. Town* Purchasers were to have the Lands by their Purchase aforesaid, twice as far back into the Country as their aforesaid Bounds from *Raritan River* up to *Snake Hill* aforesaid; and further said, that he would send his Cousin *Wewanapo* with the *Eliz. Town* People to mark the Trees as far as any could go one Day and come back the next, and would deliver them that in the Lieu and Room of the Whole; and expressing much Anger at the Disputes between the Proprietors and the People of *Eliz. Town*, said, that if the *English* would give them Leave (meaning the *Indians*) they would drive all the *Scots* Folks into the Sea and drown them, or drive them into their own Country again: And further says, that this Discourse was quickly after Governor *Lowry's* coming into the Country;—says, that the *Indian* explained the Course back to be a North West Course to the best of his Memory. And this Deponent further saith, that either the next Day or within a few Days, his Father being desired, with others, by the Purchasers to go with the *Indian Wewanapo*, his said Father being indisposed, desired the Deponent to go in his Room, which he accordingly did with the said Capt. *John Baker, Jonas Wood, and Stephen Osborn, and Joseph Meeker, and Joseph Wilson, and two Lads, Richard Baker and John Cromwell*, who went to see the Woods. And further saith, that before they did set out the old *Indian* aforesaid, who sold the Land, directed *Wewanapo* to go so far as a Plain back of *Piscataway*, to find a marked Tree with some Stones about it, and a Stake by the Tree, and then to go so much farther, as by marking the Trees he might come back to *Eliz. Town* the next Day; that accordingly they set out and found the Tree directed to by the said old *Indian*, and went forward towards the *Green River*, near where it comes out of the Mountain, and lodged by the River side that Night, and the *Indian* marked some Trees; and the next Day they made a Circle or Compaß along the Foot of the Mountain, by the Directions of the *Indian*, till they came to the *Minisink Path*, and then came down to *Eliz. Town*. And further says, that the old *Segamore* who sold the Land to the People of *Eliz. Town*, in the Contention aforesaid with Governor *Lowry*, said, that that Compaß should not be their Bounds, but only to give a Possession of that, in Part of the Whole of the Lands granted to the People of *Eliz. Town*, or in Words to that Effect: And further says, that at that Time, nor for thirty Years afterwards, he never heard the least Pretence that that Compaß, or Circuit, was intended for the Extent of the *Eliz. Town* Bounds; and further says, that he is well assured, that at that Time both in the Intention of the *Indians* declared by their Actions and Words, and in the common understanding of the People of *Eliz. Town*, that Circuit or Compaß was made, that the *Indians* might give, and the *Eliz. Town* Purchasers take the Possession of Part in the Name, Place, or Stead of the whole Lands granted to them. And further says, that antiently the Persons following were deemed the Associates of the first Purchasers or Grantees of *Eliz. Town* and allowed among the Proprietors of *Eliz. Town* as such, (to wit) *Benjamin Price, John Woodruff, Leonard Headly, Mr. Hopkins, Isaac Whitehead, William Meeker, Joseph Meeker, Benjamin Meeker, Henry Norris, Hur Thompson, John Wilson, Moses Thompson, Joseph Bond, Joseph Sears, Stephen Crain, Robert Morse, Peter Moss, Aaron Thomson, Nathaniel Tuttle, Barnaby Wines, Jonas Wood, George Ross, and Samuel Marsh, James Haynes, Charles Tucker, Humphry Spinage, John Winans, William Johnston, Matthias*

SCHEDULE N^o X. continued.

Matthias Hatfield, Jeffrey Jones, Robert White, Stephen Osborn, William Letts, Jonathan Ogden, and Joseph Ogden, William Cramer, and Richard Clarke; all which, and believes some more, were admitted to share and divide Lands in *Eliz. Town*. And being cross examined, further says, that after he came to *Elizabeth Town*, there was a Division made of some Lands within the Claim of *Eliz. Town*, by the People of *Eliz. Town*, about the Time of *Bass* being Governor, but whether before or after cannot tell; and that there were three Divisions before said Deponent came to said Town, the First was a House Lot and Pitle, the Second another Lot, and then an Out-Lot of a greater Quantity; and further, that the old Indian in his quarrelling with Governor *Lowry*, and in giving his Instructions afore said, discoursed sometimes in broken *English*, sometimes in *Dutch* by his Interpreter, and sometimes in *Indian*: Capt. *Baker* was the *Dutch* Interpreter, and an Indian interpreted the *Indian* Language into *Dutch* to said Capt. *Baker*, who again interpreted into *English*. And said Deponent further saith, that he did not then understand the *Dutch* Language, and said Indian Interpreter could speak broken *English* so as to be understood if acquainted with him, but not above one Word in Twenty plain, and that some Part of it could be understood by this Deponent: And further, that an Indian who had used the Sea, and understood the Compaſs, was sent by said old Indian to observe the Compaſs in running up towards the Mountain; and when they was at said Stake he remembers the Compaſs was there set, and the same Indian then taking an Observation towards said Gap in the Mountain, which they followed, but did not use it as he remembers at any other Place afterwards: And further, that said Compaſs was a large Pocket Compaſs. And further this Deponent saith not.

RICHARD CLARKE.

Sworn this 22d of March, 1741, before me (the Word desired, in the second Page, between the fourth and fifth Lines; the Word *and*, in the same Page, between the twenty sixth and twenty seventh Lines; and the Words in the third Page by his Interpreter, between the eleventh and twelfth Lines, being first interlined)

ROBERT HUNTER MORRIS.

Copy examined per William Smith, Attorney for Defendants.

New-Jersey, Supreme Court.

N^o 6

Daniel Cooper	versus	John Crain, Samuel Norris, sen. Samuel Norris, jun. John Scudder, John Terril, John Denman,	In Actions of Trespass, severally.
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New-Jersey, ss. **JOSEPH HARRISON**, Esq; of Newark, in the County of *Essex*, being duly sworn on the Holy Evangelists of Almighty God, as a Witness in the above Causes, pursuant to a Rule of the Supreme Court made for that Purpose at *Pertb-Amboy* the last Term; saith, that he believes himself to be Ninety Two Years of Age last *Christmas*, by the Account he has always received from his Ancestors, and was born at *Brandford* in *New-England*; and some time in *September* in the Year One Thousand Six Hundred and Sixty Seven, he, this Deponent came to live at *Newark* afore said, and has made said Town his Place of his Residence to this Day. And this Deponent further says, that he came to *Newark* afore said, the next Year after the People of *Newark* made their Purchase of the *Indians*, for the Land now called *Newark*, as he was informed by his Father and others the first Purchasers of *Newark*. And further says, that one, two, or three Years after his first coming to *Newark* afore said, his Brother *Samuel Harrison* (whom this Deponent believes was present when said *Newark* Purchase was made, being told thereof by his said Brother *Samuel*, and that the said *Samuel* was sent by the People of *Newark* to go with the *Indians* to mark out said Purchase, when made as afore said) shewed this Deponent a Stub of a Tree standing at the Head of the Cove near the Head of *Bound Creek*, for the South Bounds of *Newark* Purchase afore said; and his said Brother then told this Deponent, that *Newark* South Bounds began at the Mouth of *Bound Creek* afore said, and then run up said Creek to the Head thereof, thence West or westerly to the Mountain. And this Deponent further says, that said Bounds of *Newark* was generally deemed the South Bounds of *Newark*, and never to his Knowledge heard of any other Bounds for the South Bounds of *Newark*, until there was an Agreement entered into between the

People of *Newark* and *Eliz. Town*; which Agreement this Deponent understood to be as follows, (being told thereof the next Day or soon after by several Persons whom said Deponent believes were present thereat) That the Bounds between said *Newark* and *Eliz. Town*, should be altered from the Head of said Cove to a Hill called *Dividend Hill*, and to run from thence North-West to the Mountain; and that *Eliz. Town* People were to procure for the People of *Newark*, the Neck of Land now called *New-Barbados Neck*, for the Lands lying between a West Line from the Head of said Cove, and a Northwest Line from *Dividend Hill* afore said. And this Deponent further says, that he understood, that the procuring of *New-Barbados Neck* afore said, for the People of *Newark*, was as an Exchange, or a Consideration to the People of *Newark*, for the Lands lying between said West and North-west Lines. And this Deponent further says, that soon after said Agreement was made, the People of *Newark* were acquainted, that some Gentlemen in *Barbados* had purchased said Neck of Land, whereat said People of *Newark* were dissatisfied, having mist of that Neck of Land; and thereupon laid claim to said Land again, lying between said West and Northwest Lines, and have continued their Claim to the same ever since. And this Deponent further says, that his said Brother *Samuel Harrison*, and one *Nathaniel Wheeler*, first Purchasers of *Newark*, have told this Deponent soon after his coming to *Newark* afore said, that on the People of *Newark*'s treating with the *Indians* about their said Purchase, the *Indians* offered to sell to the People of *Newark*, the Lands as far South as *Brackets Brook*; but the People of *Newark* refused said Offer, saying, they would not pinch the People of *Eliz. Town*, as they should if they bought so far as said Brook; therefore they would purchase no farther than the Head of said Cove. And this Deponent further says, that within a few Years after his coming to *Newark* afore said, he saw several *Indians* passing thro' the same Town towards *Eliz. Town*; and on this Deponent seeing such a Number of *Indians* pass thro' *Newark*, he enquired where said *Indians* were going; who was told (and believes by his said Brother) that said *Indians* were going to *Eliz. Town*, either to sell, or receive their Pay for the Lands lying between said West Line from the Head of said Cove, and *Brackets Brook* (then called the *Plain*;) and within two or three Days thereafter, he saw said *Indians* return through said Town of *Newark*, and believes the People of *Eliz. Town* then made a Purchase of the same Lands. And this Deponent further says, that the People of *Newark* have, from his first coming to *Newark* to this Day, claimed and possessed the Meadows as far South as said *Bound Creek*; and never to his Knowledge or Remembrance heard of the People of *Eliz. Town* claiming to the Northward of said Creek, till within one Year now last past. And this Deponent further saith, that he about forty Years last past, heard from one *Mr. Theophilus Pierſon*, one of the Purchasers of a Tract of Land lying to the West of *Newark*, that on his treating with the *Indians* about purchasing the same Tract, the same *Indians* told him, that they had sold the Land lying to the Southward of *Menisk Path*, and between the Rivers, (which he understood to be *Pasaisk* and *Raway* Rivers) to Governor *Lowry*, for one *Mrs. Haige*, a *Scotch* Woman. And the said Deponent being cross-examined by the Defendants *John Crain* and *John Terril* above mentioned, in the Behalf of themselves and the other above Defendants, further saith, that he, about forty Years last past, heard a Writing read by one *John Cooper*, which he understood to be a Licence from Governor *Carteret*, (as Governor) *John Ogden*, and others of the People of *Eliz. Town*, to purchase from the *Indians* the Lands now called *Newark*; —does not remember that there were any particular Boundaries mentioned in said Licence, but believes it was for the Lands purchased by the People of *Newark*, as afore said. And this Deponent further saith, that he heard soon after he first came to *Newark*, that *Eliz. Town* People said, they had a Grant to *Snake Hill*, and to run West from thence. And further says, that he heard *Jasper Crain* of *Newark* say, that he observ'd by the Sun's rising on the tenth of *March*, that a West Line from *Snake Hill* would come near his House, and over the now Dwelling-House of *Eliphalet Johnson*, Esq; And said Deponent further says, that said West Line from *Snake Hill* would run thro' part of *New-Barbados Neck*. And said Deponent further says, that said West or westerly Line from the Head of said Cove came, as said Deponent always understood, to the South End of the North Mountain. And said Deponent further says, that he formerly heard that the People of *Eliz. Town* said, that their Grant extended twice as far back into the Woods as it was in Breadth along by the Water.

Sworn this first Day of
October, An. Dom. 1742,
before me, JOSEPH BONNEL.

JOSEPH HARRISON.
his Mark

To

SCHEDULE N^o X. *continued.*N^o 7To the Governor and Council of the Province of
East-New-Jersey.

Gentlemen,

WHEREAS we are credibly informed, that great Quantities of Land have been granted by you to several Persons who are not capable of planting the same, according to the Concessions of the said Province; and that several Persons by your Connivance have, contrary to the said Concessions, bought great Parcels of Land from the *Indians* or Natives, whose Title they presume to prefer before that which is derived from the Proprietors under his Majesty's Grant; both which are Mischiefs tending not only to hinder the Growth and Prosperity of the said Province, but are a Contempt of his Majesty's Right to, and Authority over the same: These are therefore to desire and command you, neither to make yourselves, nor suffer others to make any Purchase or Bargain for any Lands from or with the *Indians* or Natives, upon any Pretence whatsoever, till further Order; and that neither you, nor any of you, make any more Patents or Grants for Lands in the said Province, or Islands belonging to it, to any Person or Persons whatsoever, till you shall receive further Order from us or our Assigns; which we intend to send very speedily, with full Instructions therein. And we further desire and require you, that you suffer no Person or Persons whatsoever, to clear, plant, build upon, or cut the Timber from any Ground other than such as is patented according to the said Concessions. In Expectation of your Obedience to these our Directions under our Hands and Seals, we salute you and remain, *Your loving Friends*

Feb. 16. 1681, 2. Eliz. Carteret, © Bathe, ©
Edward Atkins, ©

Entered into Elizabeth Town
Book, by me Isaac Whitehead,
Clerk of the same, May 11,
1682. } Entered in the Office of Records
for the Province of New-York
in Lib. F. Fol. 28. the tenth
Day of May 1682.
John West, Cl.

N^o 8To our trusty and well-beloved Friends the
Planters and Inhabitants of the Province of *East-New-Jersey.*

WHEREAS amongst many other Concessions and Instructions made and given by the late Right Hon. Sir George Carteret, for the better settling the said Province, it was provided by him, that the Governor and Council, for the Time being, should, as there was Occasion, purchase Land from the Indian Natives in the Name of the Lord Proprietor, he being reimbursed from such Persons who should plant the same; which Direction being given only by the said Sir George Carteret out of a prudent and pious Intention of establishing a Friendship and Correspondence with the *Indians*, and thereby converting them to the Christian Faith, and not for want of a sufficient Title from the King of England, who had an absolute Dominion and Propriety therein; some evil minded and factious Persons have, notwithstanding, abused and perverted the same to a quite different Sense, and have presumed to purchase Lands in their own Names from the *Indians*, and to prefer such Title before that which is derived from the Lords Proprietors under his Majesty's Grant, not only in Prejudice to the Lords Proprietors, but also in Derogation from his Majesty's Right and Authority; which, if not timely suppressed, will end in Sedition and Rebellion: We therefore, being very desirous of the Welfare and Prosperity of our said Province, and delighting more in the Prevention of Offences than in the Punishment of them; have thought fit hereby to publish and declare our Dislike and Resentment of such Proceedings, and that we will punish the Offenders therein, both as Transgressors in a high Degree of the Laws of the said Province, and as Contemners of the Right of the King of England. And to the End you may not be seduced by any subtil Insinuations or specious Pretences of turbulent Persons, who seek to make Advantage to themselves by raising Commotions and Confusions amongst his Majesty's Subjects; we have thought fit further to publish and declare to you, that whereas one John Scot, commonly called Colonel Scot, or Major Scot, hath lately set up a Title to a Moiety of the Rents and Profits of the said Province, by Colour of a Deed of Covenant, which he pretends was made to him by the late Sir George Carteret, in the Year 1668; but was never produced or insisted on by the said Scot during the Life Time of the said Sir George Carteret, nor since his Death, till very lately; and for giving a better Credit to the said Claim, hath lately conveyed all his said pretended Interest to one

Edward Billing, one of the principal Proprietors of *West-New-Jersey.* We have made diligent Enquiry into the said Pretence, as well out of a just Intention to have done the said Scot and Mr. Billing Right, if the said Deed had appeared true, as to preserve the Peace and Unity of the said Province: But upon full Examination thereof, we find all the Matters suggested, to be the Considerations of the said Covenant, false and fictitious; and have just Cause to believe the said Deed to be a meer Forgery, as well for all the Reasons above mentioned, as because the said Scot hath been formerly guilty of very evil and notorious Practices; and we are therefore resolved to prosecute the said Scot in a Course of Justice: And as we resolve to protect all such Persons as shall continue faithful to us, and indemnify them against all Pretenders whatsoever, so we are likewise resolved to assert his Majesty's Authority, and our Right under him to the said Province, with the utmost Force of Law. In Expectation of your Conformity to this our Declaration, under our Hands and Seals, we salute you, and remain

Feb. 16, An. 1681, 2.

Your loving Friends,

Elizabeth Carteret,
Bathe,
Edward Atkins.

Elizabeth Town, 4th of May, 1682.

The above-written Premises is a true Copy of a Declaration to us directed, under the Hands and Seals of the Right Hon. the Lady Elizabeth Carteret, Baroness, the Lady Proprietrix of the said Province, the Right Honourable John Earle of Bath, and Baron Atkins, Trustees for the Estate of Sir George Carteret, late Lord Proprietor by special Command; to be by us published and made known unto the Planters and Inhabitants of the said Province. And we are further commanded to signify unto you, that we must not permit suffer or any Person or Persons whatsoever, to clear, plant, build upon, or cut the Timber from any Ground, other than such as is patented, according to the Concessions formerly made by the said Lords Proprietors. Unto which the Obedience and full Compliance of all the Planters and Inhabitants of, and in the said Province, is hereby required, as they will answer the Contrary at their utmost Peril.

By Order of the Governor and Council,

Robert Vicars, Secretary.

A true Copy of a Declaration published
at a Town-Meeting in Elizabeth
Town, by Robert Vicars, attested by
me Isaac Whitehead, Clerk.

N^o 9

THESE may Certify whom it may concern, That in the Year of our Lord 1666, or thereabouts, by Order of Governor Philip Carteret, and upon the Request of the Inhabitants of Newark, I did for them purchase of the Hackinsack Indians, a Parcel of Land lying and being on the West Side of the Kill Van Coll, beginning at the Mouth of a certain Creek named Warweayack, upon the Bay Side; and from thence running up the said Creek to the Head of a Cove, and from thence Westward to the Foot of the Mountain, called by the Indians Watchung; thence running along the said Foot of the Mountain, until it meets by an East Line with a small River coming from the Hills into Passaic River named Jantacack; from thence running down Passaic River, and Arthur Cull Bay, till it meets with the Mouth of Warweayack, as above said. I do further certify, That I was employed by Governor Stuyvesant to go to Hackinsack with his Secretary Van Ruyven, to purchase all the Land on the West Side of Hackinsack River, from above the Hackinsack Fort, till we came so low as Workboven's Purchase, where the Sakamaker of Staten-Island, met us with the Hackinsack Indians; and did declare that the Right of the Hackinsack Indians did reach so far as the Point now called Thomas Young's Point, and all the Lands below that to the Raritan River, he had sold to Workboven. I do further certify, that upon Claim of an Indian named Brandgat, I did Purchase for Eliz. Town Inhabitants, that Tract of Land running Westward from Thomas Young's Point, along Brackets Brook; and from thence northerly to the Head of the Cove called Warweayack.

Whereas you desire to know how many of the *Indians* are living mentioned in your Purchase; I cannot inform you, having not seen any of them a long Time. This is the Substance of what I can testify; as Witness my Hand this 5th Day of March, 1687, 8.

Jurat coram me
Isaac Kingland.

SAMUEL EDSAL.

THE

SCHEDULE, N^o X. continued.N^o 10

THE Testimony of me *Robert Treat*, of *Milford* in *New-England*, aged about Sixty Four Years, being one of the Company that first settled at *Newark*; upon Discourse and Treaties with the Governor *Capt. Philip Carteret, Esq;* I expected that the said Governor would have cleared the Plantation from all Claims and Incumbrances, and given quiet Possession, which he promised that he would do: But no sooner was the Company present, got on the Place, and landed some of their Goods, I with some others was by some of *Hackinsack* Indians, warned off the Ground, and seem'd troubled and angry that we landed [any] of our Goods there, tho' first we told them we had the Governors Order; but they replied, the Land was theirs, and it was unpurchased; and thereupon we put our Goods on board the Vessels again, and acquainted the Governor with the Matter, and he could not say it was bought of them *Indians*; and I with most of the Company were minded to depart; but the said Governor with other Gentlemen were loth to let us go, and advised and encouraged us to go to the *Indians*, and directed us to one *John Capteen*, as I think he called him, a *Dutch* Man, that was a good *Indian* Interpreter, to go with us; and I with some others, and said *John Capteen*, went up to *Hackinsack* to treat with the *Saga*----- and other *Indian* Proprietors of the Land lying on the West of *Passaick* River, about purchasing of said Lands, and one *Perro* laid Claim to the said *Passaick* Lands, which is now called *Newark*; and the Result of our Treaty was, that we obtained of a Body of said *Indians* to give us a Meeting at *Passaick*; and soon after they came, all the Proprietors, *viz.* *Perro*, and his Kindred, with the *Sagamos* that were able to travel; *Oraton* being very old, but approved of *Perro's* acting; and then we acted by the Advice, Order and Approbation of the said Governor, (who was troubled for our sakes) and also of our Interpreters, (*viz.* *Mr. Edsal*) the said Governor approving of them, and was willing and approved that we should purchase a Tract of Land for a Township. And at that Meeting with the *Indian* Proprietors, we did agree and bargain with the said *Indians*, for a Tract of their said Land on the West of *Passaick* River, to a Place called the Head of the Cove, by the said Governor's Order and Allowance, and upon Information thereof seemed glad of it; and I with some others solicited the Governor to pay for our Purchase to the *Indians*; which he refused, and would not disburse any Thing, unless I would reimburse him again; and a Bill of Sale was made, wherein the Purchase of said Land will at large appear. And I can, and do testify, that the said *Indians* were duly paid for it, according to Bill wherein we became Debtors to the *Indians*, and not the Governor, as I judge; and if any Deed or former Purchase could have been found, or made to appear to us in the Day of it, we should not have given ourselves that Trouble and Charge; and *Perro* affirmed that he had not sold his Land to any before this Time; and not long after, by a Committee from each Town, the Bounds was first settled between the two Towns at the Head of the Cove.

Col. *Robert Treat* personally appeared before me, and gave in his Testimony upon Oath to the Truth of the above said Testimony.
 March 13, 87, 88. RIC. BRYAN,

called the Sound, between two small Necks, being in several small Parcels, esteemed at eight Acres and a half, bounded on the North east by *Robert Moss*, Northwest and Southwest by a small Creek and common Meadow, and Southeast by the Great River, in all containing of Upland and Meadow sixty eight Acres and a Half English Measure.

ROBERT VANQUILLEN, Surv. Gen.

N^o 12.

L A I D out by the Surveyor General for *Humphry Spingee*, by Warrant dated the 22d of *March* 1675, 6.----*Imprimis.* A House Lot containing four Acres, in Length twelve Chains, and in Breadth four Chains, bounded on the North, West, and South, by Highways, and Northeast and East by the Rear of the House Lots of *William Johnston*, *Jacob Melley*, and *John Winans*.---*Item.* Twelve Acres of Upland for his second Division upon the Neck, in Breadth eight Chains, in Length on the East Side eighteen Chains, and on the West Side ten Chains, bounded on the East by the Meadows, on the West by *Jeffrey Jones's* first Division, Northwest by *William Johnston's* first Division, and Southwest by a Highway.---*Item.* Eighty Acres of Upland, lying by *Peach Garden Hill*, beginning at a white Oak, and from thence running North-North West thirty five Chains, to a small Walnut Tree mark'd on the four Sides; from thence running West South-West twenty Chains upon *Peach Garden Brook*, to a Beach Tree mark'd on four Sides; from thence running South-South-East thirty five Chains upon his own Meadow, with a Point of Land lying on the Southeast of the same, esteemed ten Acres; in all Eighty Acres; bounded on the East by *Jacob Melley*, and a small Brook that parts both; on the South and Southwest by his own Meadow, and Northwest by *Charles Tucker's* Land.---*Item.* Sixty Acres of Upland, lying on the North Side of the Branch of *Elizabeth* River, bounded on the North by the Plain not surveyed, West by *Benjamin Wade*, South by the said River into *Cranberry* Meadow, and East by *Thomas Moor*.---*Item.* Forty Acres of Upland on the South Side of the said Branch, bounded on the West by *Thomas Moor*, East by *John Wynans*, South by the Plain, and North by *Elizabeth* Creek.---*Item.* Seven Acres of Meadow joining to the South Side of his Land upon *Peach Garden Brook*, bound with the said Brook and his Upland.---*Item.* Six Acres of Meadow lying upon *Elizabeth* Creek, bounded upon *Bartholomew Wines* Meadow on the Southeast, on the Southwest by *Simon Rous*, South by the Upland, and North by the said Creek.---*Item.* Nine Acres of Meadow joining to *William Piles*, upon the Point of *Rayway* Neck, running Southeast fifteen Chains upon the River, between the said Point and *Stephen Crane*, and from thence running along a Creek South-South-West eight Chains, to a Stake planted at the Head of the same; from thence running North West five Chains to a red Oak mark'd on three Sides, from thence running round as the Point runs to the first mark'd Tree, bounded Southeast by the River and sunken Meadow, North by *Mr. Crain*, Northwest by the Upland of *William Piles*, and Southwest by the Meadow not surveyed; the Whole contains 218 Acres.

N^o 13.

K N O W all Men by these Presents, That I of *Elizabeth Town*, in the County of *Essex*, and Province of *East-New-Jersey*, Yeoman, am held and firmly bound unto *Nathaniel Hubbell*, *John Crain* and *Joseph Shotwell*, all of *Elizabeth Town* aforesaid, in the full Sum of Proclamation Money, to be paid to them the said *Nathaniel Hubbell*, *John Crain* and *Joseph Shotwell*, or to the certain Attorney of them, and the Survivors and Survivor of them, and the Executors and Administrators of such Survivor, or to their Assigns: For the which Payment well and truly to be made, I do hereby bind myself, my Heirs, Executors and Administrators, and every of them, firmly by these Presents. Sealed with my Seal, and dated this Day of _____ in the _____ Year of the Reign of our Sovereign Lord *George* the Second, &c. and in the Year of our Lord

THE CONDITION, of this Obligation is such, That whereas sundry Controversies have heretofore arisen, and are now subsisting between the Inhabitants and Freeholders of *Elizabeth Town* aforesaid, of whom the said _____ is one, who claims Title to certain Lands in *Elizabeth Town* aforesaid, by Virtue of

N^o 11.

A N N O 1676, 23d *June*, laid out for *Roger Lambert*, of *Elizabeth Town*, by Virtue of the Governor's Warrant, bearing Date the 27th of *March* 1676. *Imprimis.* A House Lot with an Addition thereunto, containing 16 Acres, bounded by the Highway on the North, by *Robert White* on the East, by *David Ozden* and the Swamp South, and on the West Side by his first Division, in Length 16 Chains, and in Breadth 10 Chains.---*Item.* Another Parcel of Land for his first Division, containing 6 Acres, joining to *Capt. John Baker* on the West, by his Home Lot on the East, by a Highway on the North, and by the common Swamp on the South, in Length sixteen Chains, and in Breadth five Chains.---*Item.* A Piece of Swamp on the North Side of the Highway, esteemed eight Acres, in Length and Breadth ten Chains, Allowance given for the bad Land, bounded East, North and West by the said Swamp, and South by the Highway.---*Item.* Another Parcel of Land on the Northwest Side of the said Swamp, containing thirty Acres, bounded on the East Part by *Richard Beach*, and Part by *William Cramer*, on the Northwest by the common Land, West by *Nicholas Carter* his second Division, and Southeast by the Common Land, in Breadth fifteen Chains, and in Length twenty Chains.---*Item.* A Piece of Meadow lying upon the Great River

SCHEDULE N^o X. continued.

of an Indian Purchase made by License obtained from *Richard Nicholls*, Esq; formerly Governor under the Duke of York, and Patent granted by said *Richard Nicholls*, and certain others pretending Title to the same Lands under Sir *George Carteret*, by pretended Rights, commonly called Proprietary Rights; by Reason whereof diverse Suits have been, and may hereafter be commenced against them the said Inhabitants of *Elizabeth Town*, claiming under the Indian Purchase and Patent aforesaid, or some of them. And forasmuch as the Heirs and Assigns of the first Purchasers of *Eliz. Town*, and their Associates, are by Interest mutually engaged to maintain and defend their Title to the same Lands, and have accordingly agreed to maintain and defend the same; and have appointed a Committee of seven Men to act in Behalf of the Freeholders of *Eliz. Town* aforesaid, in all Suits and Controversies relating to the same Title; who are to receive of the above named Obligees and Trustees of the said Town, all such Sums of Money as shall be by them or the major part of them, or the Survivors of them, or the major part of such Survivors, or the Survivor of them, assessed to be paid by the Freeholders aforesaid, who now have or hereafter shall enter into any Agreement, either by Bonds or otherwise, mutually to maintain and defend the Title to the same Lands in *Elizabeth Town*; which Sums so received, are to be applied by the Committee aforesaid for the maintaining and defending of the Title of said *Elizabeth Town*, according to the Judgment and

Discretion of the said Committee. NOW if the above-bounded his Heirs, Executors, Administrators, or any of them, shall and do at all Times hereafter, pay, to the said *Nathaniel Hubbell*, *John Crain*, *Joseph Shotwell*, Trustees for the said Inhabitants and Freeholders of *Elizabeth Town* aforesaid, or the certain Attorney of them, and the Survivors, and Survivor of them, and the Executors and Administrators of such Survivor, all such Sum and Sums of Money as shall be assessed by the said Trustees, or the major Part of them, or the Survivors of them, or the major Part of such Survivors of them, for the said or his Heirs, or the Survivor, to pay towards defraying the Charges and Expences of maintaining and defending the Title aforesaid, in any Actions that have been, or that are now depending, or hereafter shall be brought, relating to the Controversies aforesaid. Provided, nevertheless, that the Sum in the Whole to be paid by Virtue of this Obligation, do not exceed the Sum of *Ten Pounds*; Proclamation Money, upon every Hundred Acres of Land, that the said doth hold by Virtue of the Indian Purchase and Patent aforesaid, and such proportion for any greater or lesser Quantity of Lands; then this present Obligation to be void and of none Effect, otherwise to stand and remain in full Force and Virtue.

Sealed and delivered in the Presence of

SCHEDULE, NUMB. XI.

Years.
1576, *Hackluit's Voyages*, Vol. 3, pag. 29, makes the Variation of the Compass at *Gravesend* (which is only 20 Miles from *London*, to be 11° 30' E.
And in *Miscellanea Curiosa*, Vol. 1, pag. 29. which is taken from the Philosophical Transactions of the Royal Society at *London*, we find the following Observations of the Variation at *London*, and the same are also in *Chambers's Dictionary*, Title Variation, viz.
1580, At *London*, Latitude 51° 32. North, ————— 11° 15' E.
1622, Ditto, ————— 6° 0' E.
1634, Ditto, ————— 4° 5' E.
1672, Ditto, ————— 2° 30' W.
1683, Ditto, ————— 4° 30' W.
Again in *Flamsteed's Historia Cœlestis*, Vol. 2. pag. 574, we find the following Observations taken by him.
1680, Feb. 24th, Variation, ————— 4° Vel. 4½ W.
1693, Feb. 2d, with a Foot Needle of the Royal Society, ————— 6° 30' W.
1698, July 22d, with same Needle, at Request of the Trinity Brothers, 7° 30', at least ————— 7° 20' W.
1699, Aug. 25th, in Presence of the Trinity Brothers, ————— 7° 30' W.
1710, July 22d, Variation to West is ————— 10° 12'
1711, Feb. 3d, by both said Needles new touch'd and repaired. ————— 10° 22'
1716, June 23d, by both the long and short Needles ————— 11° 15'
1723, 7th Vol. ab. Philosophical Transactions, pag. 297, observed by Mr. *Graham* at *London*, to be above ————— 14° W.
So that from the Year 1576, to the Year 1723, which is 147 Years, the Variation at *London* varied from 11° 30, E. by small Degrees, to 14° W. which makes 25° 30' that the Compass pointed differently in that Time.

SCHEDULE, NUMB. XII.

Patentee.	Date.	recorded	Quantity of Acres.
Year. Mon. Day.	Lib. Fol		
1 Edward Cate,	1677 April 24	1 167	112 Acres in Elizabeth Town, at one half Penny Sterl. per Acre.
2 Margaret Baker,	24	1 167	224 Acres in ditto.
3 David Oliver,	1678 Sept. 4	2 7	67 Fol. 89.
4 Benjamin Griffith,	1685 Nov. 9	A 284	4 Patent for four Acres in Elizabeth Town, at one half penny Sterl.
5 John Home,	1686 April 28	A 336	150, Patent for 150 Acres on Elizabeth Town Brook, at 5 d. Sterl. yearly.
6 Mary Mitchell,	May 25	A 338	125, Patent for 125 Acres on West Brook, near Raway River, at 4 d. Sterl.
7 John Pierce,	24	A 341	50. Patent for 50 Acres, whole on Elizabeth Town Brook, at 6 d. Sterl.
8 Samuel Potter,	25	A 342	180, Patent for 180 Acres, ½ d. Sterl. per Acre, D ^o &c. on Eliz. Town Brook.
9 John Carrington,	1688 Mar 25	B 324	100, Patent for 100 Acres on Robison's Branch of Raway.
10 James Emmet,	June 25	CC 121	25 Mary Buck's Headland S. E. by Raway River.
11 William Redford,	1692 Jan. 14	E 31	150 in Elizabeth Town.
12 Francis Moore,	1695 June 20	E 211	156 of Upland, and 18 of Meadow.
13 John Barclay,	1696 April 27	F 48	112
14 John Steward,		F 351	125 Acres in Elizabeth Town.

A M E N D M E N T

To the Bill, at the Suit of *John Earl of Stair,*
and others, Proprietors of *East New-Jersey,*

A G A I N S T

Benjamin Bond, and others, of *Elizabeth-Town.*

[Immediately after the Questions in the Bill,
and before Prayer for the Decree, insert
these Words:]

AND the Complainants do say, They have lately had from England, a Copy of a Petition, clandestinely and secretly made and signed by the Defendants and Confederates, or some of them, and clandestinely presented to his Majesty, without any Notice or Copy thereof to the Complainants, or any of them, to enable them to defend themselves against this secret and clandestine Attempt; upon which Petition sundry Proceedings have been, as by the Copy of the same Petition and Proceedings in Schedule N^o XIII. hereunto annexed, may appear; as to which Petition and Proceedings, the Complainants pray, that the Defendants may answer the following Questions: Whether the Defendants, or any, and which of them, and when? gave the Complainants, or any, and which of them, any, and what Notice, of the said Petition to his Majesty, or any Copy of it? were not many of the Complainants personally known to the Committee-men, or Agents of the Defendants, or to some, and which of them? did not the said Committee-men or Agents, or some, and which of them, see some, and which, of the Complainants, at every, or some of the Supream Courts at *Perth-Amboy*, for several Years before Signing the said Petition, and afterwards? did not the said Committee-men or Agents, or some, and which of them, know, that the Council of Proprietors had their Half-yearly Meetings at *Perth-Amboy*, immediately after the Supream Courts? did they, or any, and which of them, ever give or send any Notice or Copy of the said Petition to the said Council of Proprietors? did not the said Committee-men or Agents, or some, and which of them, know, that the Dwelling-place of sundry of the Complainants were at *Perth-Amboy*? and did they, or any, and which of them, ever send, give or leave any Notice or Copy of the said Petition, to or at the Dwelling-house of any, and which of the Complainants there or any where else? was the Petition to his Majesty, whereof Copy is N^o 1, of Schedule N^o XIII. annexed, drawn by the Order of the Defendants, or any, and which of them? did they, or any, and which of them, approve of it, and sign it when drawn, or did they, or any, and which of them, approve or sign any Writing, as a Petition to his Majesty to that Purpose? which of them did not so approve or sign it? is the Copy in Schedule N^o XIII. annexed, a true Copy of the Petition so approved and signed? if not, wherein does it differ? are the Papers, N^o 2 and 3, of Schedule, N^o XIII. true Copies of the Minutes of Proceedings on the said Petition? and if not, wherein do they differ? and, what other Proceedings have been on the said Petition?

And the Complainants do further say, That the Signers to the said Petition, or those under whom they pretend to claim, did, during the Time of the Revolution in *New-Jersey*, herein

before mentioned, *to wit*, in the Year 1700, present a Remonstrance and Petition to his late Majesty King WILLIAM, of ever Glorious Memory, against the Proprietors of *East-New-Jersey*, nearly of the like Tenor and Import; upon which like References were, as on the now Defendants said Petition; and to which the then Proprietors, on the 9th of December, 1700, gave in their Answer, in the Words of the Copy thereof, in Schedule N^o XIV. hereunto annexed; the Facts whereof your Orators charge to be true, as if particularly set forth and charged in this Bill.

And your Orators say, That the same Answer gives some Light into the Case of *Jeffry Jones*, in the Bill mentioned; and into the Cause of reversing the Judgment against *Jones* therein, *viz.* for that the Special Verdict agreed upon, and on which probably the Judgment was given, was not found by any Jury; on the contrary, the Jury to whom it was referred, gave a General Verdict for *Jones*; on both which Points undoubtedly the Judgment was erroneous, and ought to be reversed, had the Case been never so clear against *Jones* on the Special Verdict agreed to; this shews also what your Orators acknowledge to be a Mistake, in your Orators Allegations before in the Bill, *viz.* that a Verdict in that Cause was had against *Jones*.

And your Orators do say, That the Determination and Result of the said Application in 1700, was the Instructions in favour of the Proprietors, agreed on by the Crown at the Surrender of the Proprietors Government, herein before mentioned; which Instructions are herein before set forth, and have been duly made Part of the General Instructions to all Governors of *New-Jersey*, ever since the said Surrender; but as neither the Agreements with Governor *Carteret*, herein before mentioned, by which the first Settlement of *Elizabeth-Town*, was on the footing of the Concessions; nor King CHARLES the Second's; nor the Duke of York's Determinations, herein before set forth, in the Years 1672 and 1674; nor their own Compliance with and Agreement to those Determinations, by accepting Warrants, Surveys and Patents, in 1675, and after, for the Lands due to them by the proprietary Concessions (as by Schedule N^o VIII. annexed appears) nor the said Determination upon their Remonstrance and Petition aforesaid, after their Efforts during the said Revolution in *New-Jersey*, at the beginning of this Century; nor the many Verdicts and Judgments at Law herein before set forth against this Pretence of the Defendants; it appears, that notwithstanding any of these Agreements or Determinations, Verdicts or Judgments; they, the Defendants and Confederates are resolved, to be bound by none of them, but every Age to renew and revive this their obsolete Pretence, and thereby to create Disturbances, and disturb your Orators, and the Persons claiming under them, within the Lands in Controversy, who are many Thousands in Number, and to discredit their Title; which only this Court can hinder them from doing, by a perpetual Injunction, to quiet all Parties according to JUSTICE and EQUITY.

J. A. ALEXANDER, } Of Council
JOS. MURRAY, } for the
Complainants.

SCHEDULE

SCHEDULE, NUMB. XIII.

N^o 1.

To the KING's Most Excellent Majesty, &c.

The Humble PETITION of your Majesty's faithful and loyal Subjects, the Proprietors, Freeholders and Inhabitants of a Tract of Land now called Elizabeth-Town, in your Majesty's Province of New-Jersey, in America, whose Names are hereunto subscribed, in Behalf of themselves and others their Associates, Proprietors, Freeholders, and Inhabitants of said Tract.

Most Humbly SHEWETH,

THAT his late Majesty King *Charles* the 2d, by his Letters Patent, under the Great Seal of *England*, bearing Date the 12th Day of *March*, in the Sixteenth Year of his Reign, did give and grant unto his Royal Highness, *James* then Duke of *York*, his Heirs and Assigns, among other Things, all that Parcel of Land in *America*, from the West Side of *Connecticut* River to the East Side of *Delaware Bay*, whereof the aforesaid Province of *New-Jersey* is that part, with Power of Dominion and Government, in and over the same, to be executed by his said Royal Highness himself, or by such Deputies, Commissioners or Officers as he should think fit to appoint.

That when the said Letters Patent were granted, the Lands in the Place now called *New-York*, and in the Province of *New-Jersey* aforesaid, were partly under the Rule and Dominion of the *Dutch*, and partly under the Possession and Government of the Native *Indians*, Proprietors thereof.

That his said Royal Highness, *James* Duke of *York*, by his Commission under his Hand and Seal, bearing Date at *Whitehall* the 2d Day of *April*, in the Sixteenth Year of the Reign of his said late Majesty King *Charles* the 2d, constituted and appointed *Richard Nicholls*, Esq; his Deputy Governor within the Lands, Islands and Places aforesaid, to perform and execute all and every the Powers which were, by the said Letters Patent, granted to his said Royal Highness, to be executed by his Deputy, Agents or Assigns.

That in Consequence of the said Commission, in or about the Month of *August*, 1664, the said *Richard Nicholls*, Esq; arriving in these Parts, demanded the Dominion and Government of the Lands now called by the Names of *New-York* and *New-Jersey*, to whom the then ruling *Dutch* surrendered and gave up the same.

That thereupon *John Baylies*, *Daniel Denton*, *Thomas Benydict*, *Nathaniel Denton*, *John Foster*, and *Luke Watson*, all of *Long-Island*, who had been before obstructed in their Endeavours to settle a Plantation where *Elizabeth Town* now is, by the then ruling *Dutch*, immediately after the Arrival of said Governor *Nicholls*, and his taking upon him the Government of the Lands aforesaid, to wit, On the 26th Day of *September* 1664, petitioned to the said Governor *Nicholls*, setting forth their former Attempts and Obstructions, for Liberty to purchase of the Natives, Proprietors of those Lands, a certain Parcel thereof, in his said Royal Highnesses Territories, lying on the River then called *Arthur Cull River*, to improve and settle upon.

That on the 30th of *September*, aforesaid in answer to said Petition, the said Governor *Nicholls* consented to the Proposals therein made, and declared, that he would give the Undertakers all due Encouragement in so good a Work.

That thereupon the said *John Baylies*, *Daniel Denton*, and *Luke Watson*, for themselves and their Associates, for the Purpose aforesaid, and in pursuance of said Licence, for great and valuable Considerations, did purchase of and from certain *Indians*, chief Sachems, then allowed Proprietors of those Lands, by their Deed bearing Date the Twenty-eighth Day of *October*, Anno Dom. 1664; a certain Tract or Parcel of Land lying on the Main, West of *Staten-Island*, bounded on the South by the River commonly called the *Raritan River*, on the East by the River which parts *Staten-Island* and the Main, and to run Northward up *Arthur Cull Bay*, till we came to the first River which sets Westward out of the said Bay, and to run Westward into the Country twice the Length as it is broad from the North to the South, of the aforementioned Bounds.

That on the first Day of *December*; Anno Domini 1664, the said Governor *Nicholls*, by his Deed of that Date, under his Hand and Seal, therein reciting the aforesaid Purchase, did

give, grant and confirm, unto Capt. *John Baker*, *John Ogden*, *John Baylies*, *Luke Watson*, and their Associates, their Heirs, Executors, Administrators and Assigns, the said Tract of Land purchased as aforesaid, to the End the same might be sooner planted, inhabited and manured; therein and thereby also promising and granting, that the Persons inhabiting said Lands, should have and enjoy equal Freedom, Immunities and Privileges, with any of his Majesty's Subjects, in any of his Colonies in *America*.

That immediately after the Purchase and Confirmation aforesaid, the said *John Baker*, *John Ogden*, *John Baylies*, and *Luke Watson*, and their Associates, your humble Petitioners Ancestors, entred upon, planted, improved, and began to manure that Part of the said Land now called *Elizabeth-Town*; and they, their Heirs and Assigns, have continued in the Improvement and Possession of great Part thereof; and with great Cost, Expence, Hazard, Toil and Labour, have planted, improved and manured, much of the Lands aforesaid, for the Support of themselves and Families, who are now increased in the Bounds of *Elizabeth-Town*, to upwards of Seven Hundred Freeholders and Families.

That altho' his said Royal Highness, *James* Duke of *York*, had constituted, deputed and appointed the said *Richard Nicholls*, Esq; his Deputy Governor as aforesaid, with the Powers, Authorities and Instructions aforesaid; yet while the said Governor *Nicholls* was on the Seas, and before the Surrendry of the said Lands, and the Government thereof to him, as Governor of his said Royal Highness, and without any previous Purchase made of the native Possessors and Proprietors of said Lands, and without giving any Notice or contrary Instructions to said Governor *Nicholls*, the said Duke of *York*, by Indentures of Lease and Release, bearing Date the 23d and 24th Days of *June*, 1664, did convey to the then Lord *Berkley* and Sir *George Carteret*, the said Province of *New-Jersey*, including the aforesaid purchased Land as part.

That thereupon the said Lord *Berkley* and Sir *George Carteret*, appointed and deputed *Phillip Carteret*, Esq; Governor of the said Province of *New-Jersey*, and sent him to govern and rule the same under them, as Proprietors thereof accordingly; who on his Arrival and Settlement in the Government of the said Province, was so far from insisting on the said Lord *Berkley* and Sir *George Carteret*'s Right to the Lands purchased by your humble Petitioners Ancestors, in Opposition to their Title obtained by the Purchase and Confirmation aforesaid; that the said Governor *Carteret*, by Indenture, bearing Date the 8th Day of *September*, in the Seventeenth Year of the Reign of his Majesty King *Charles* the Second, under the Hand and Seal of the said *John Baylies*, purchased of him the said *Baylies*, his Right, acquired by Virtue of the Purchase and Confirmation aforesaid.

And thereupon the said Governor *Carteret*, with *John Ogden* and *Luke Watson*, by Indenture bearing Date the 11th Day of *December*, 1666, claiming and holding under the said Purchase and Confirmation obtained by the said *John Baylies* and others, sold the Southern Part of the said purchased Lands to *Daniel Peirce* and his Associates, on which the Towns of *Woodbridge* and *Amboy* are now settled.

That afterwards the *Dutch* regained Possession of great Part of these Provinces; and on the Settlement of Peace between the Crown of *England* and the States General, they surrendered them to the Crown of *England*; and thereupon his said late Majesty King *Charles* the Second, again granted to his said Royal Highness, the said Provinces of *New-York*, *New-Jersey*, &c. by Letters Patent under the Great Seal of *England*, bearing Date the 29th Day of *June*, in the 26th Year of his said Majesty's Reign; and his said Royal Highness, on the 28th and 29th Days of *July* then next following, by Indentures of Lease and Release, granted unto said *George Carteret*, that part of the said Province of *New-Jersey*, now called *East-New-Jersey*: During all which Time, and under all the Troubles and Revolutions in those Provinces, the Ancestors of your Majesty's Petitioners held and continued in the general Possession of their said purchased Lands, and in the particular Improvement and Possession of great parts thereof; and as they had a just Right, so they expected to hold and enjoy the same peaceably: Yet notwithstanding, about the Year of our Lord 1693, and since, a Number of Persons, calling themselves Proprietors of *East-New-Jersey*, claiming to hold by mean Conveyances under the

the said Sir George Carteret; and many others calling themselves Proprietors of *West-New-Jersey*, claiming to hold under mean Conveyances, under the said Lord Berkley; claim the Lands purchased by your Petitioners Ancestors aforesaid; and pretend that neither our Ancestors nor we their Heirs and Assigns, have any Right in the said Purchase, but what is derived from and held under them. By Means whereof many Suits in Law have been commenced, and more or less have been from Time to Time depending about the said purchased Lands, ever since the Year 1693; in many of which your Majesty's Petitioners and their Ancestors formerly gained Judgment in their Favours; and could they but have a disinterested Court, and unprejudiced Jury, they make no doubt but they should always obtain Judgment in their Favour, respecting the Lands aforesaid.

But so it is, that all the Lands in the said Province of *New-Jersey*, are held and claimed under the said Lord Berkley and Sir George Carteret's Titles, derived from his said Royal Highness, except the said Land purchased by the said Baylies, Watton, &c. and confirmed to them as aforesaid; under whom your Petitioners claim and hold; and thence it hath come to pass that the Inhabitants of the said Province are generally interested in, and affected to one or other of the said two original Titles, and disaffected to the other.

And hath also so happened, that as the far greater Part of the said Province is held under the said pretended Proprietors; so the ruling and governing Part of the said Province is in their Interest, the major Part of the Judges of the Supreme Court and Council, being Proprietors as aforesaid, or Agents, Attorneys or Trustees for them, or some of them; under which Circumstances the said pretended Proprietors repeat their Suits against your Majesty's Petitioners, or some of them, even for the same Farms, if they happen not to be successful in the first Suit, and threaten to pursue in the same Method, until your Majesty's poor Petitioners are reduced to Poverty and Distress, and rendered unable to defend their just Rights, and so be obliged to surrender those Estates which they and their Ancestors have spent their Substance and Lives upon; the Loss of which, would prove a general Ruin to as many Families as make up seven Protestant Congregations, now settled on said purchased Lands.

That your Majesty's poor and distressed Petitioners, with long and expensive Law-suits for near about fifty Years together, in which they have spent many Thousand Pounds, and annually are obliged to be at vast Expence in Defence of their said Rights, are discouraged and quite wearied out, and are become (as they conceive) under the present Administration, remediless, without your Majesty's most gracious Royal Protection and Care.

And more clearly to evince the Difficulties and Matters above suggested, your Majesty's Petitioners would most humbly beg Leave to represent and numerate some of the Steps and Proceedings heretofore taken, and still carrying on against them, tending to their Distress, Loss and Ruin, (viz.)

That formerly the said pretended Proprietors, did take upon them the civil Government of the said Province of *New-Jersey*, and did actually erect Courts, and appoint Officers of their own, before whom your Petitioners Ancestors were sued, and by them unjustly condemned; particularly, in a Case brought by Lease of Ejectment by James Fullerton, claiming by Demise from the pretended Proprietors of *East-New-Jersey*, against Jeffery Jones, one of your Petitioners Ancestors, wherein at a Court held at *Amboy*, the 14th of May 1695, the said Court unjustly gave Judgment in favour of the said James Fullerton; on which Judgment, on Appeal of the said Jones to the King in Council, at the Court of *Kensington*, 25th February 1696, by his Majesty in Council, was reversed and set aside; and as your Petitioners said Lands are all under the like Circumstances, and held by the same Title, so they supposed and expected the Controversy about the same would have ceased; yet, nevertheless, the said pretended Proprietors, by the Improvement made by your Petitioners Ancestors on the Premises, more than any Foundation of Right, were and have been further tempted to molest, trouble and invade your Petitioners Property and Possessions; that therefore, since the Government of said Province hath been under the immediate Care of the Crown, the said pretended Proprietors many of them, have been Members of the Council, and Judges of the Courts

in the said Province; and by this Means your Petitioners have been prevented from bringing or removing their Cause before the King in Council, in the common Course of Appeals.

In particular, that when Joseph Woodruff, one of Your Majesty's Petitioners Ancestors, by Writ of Error, brought his Cause before the Governor and Council of this Province, in the Fourth Year of the Reign of your Majesty's late Royal Father, in order to obtain a Judgment there; and from thence, if Judgment was given against him, he intended to have appealed to his said Majesty then King of Great Britain, &c. in Council; the said Governor and Council would never be prevailed upon to give a Judgment in the said Cause; but after about Ten or Twelve Years Delay, and a vast Expence in the Cause, the said Cause dropt without being decided.

The present Governor of the said Province has formerly been Agent for some of the said pretended Proprietors, and stands in a near Relation to several of the pretended Proprietors aforesaid; the present Chief Justice of said Province is Trustee and Guardian of several Orphans who are the pretended Proprietors aforesaid; and the rest of the Judges and Members of the Council are in general interested, on the said pretended Proprietors Side.

That the Juries in the Counties where the said purchased Lands lye, are generally interested and engaged against your Petitioners; and the more effectually to secure all in Favour of the said pretended Proprietors, the Governor, Council and General Assembly of the said Province, have, by an Act passed in the Fifteenth Year of your Majesty's Reign, annexed part of your Petitioners Lands, which were before in the County of *Essex*, unto the County of *Somerset*, where the Juries are generally in the said pretended Proprietors Interest; and in the preamble of the said Act, representing the Inhabitants as having prayed for the same; which your Petitioners believe to be a great Mistake.

That under all these and many other such like Disadvantages, Writs of Trespass, and Leases of Ejectment, in behalf of said pretended Proprietors, are frequently commenced against some of your Petitioners, and thereon Verdicts and Judgments obtained; some of them for Six pence Damage, and for Two or Three Hundred Pounds Proclamation Money Costs; others of your Petitioners are turned out of their Freeholds and Living, and large Bills of Costs taxed against them.

By Means whereof many of your Majesty's poor Petitioners are grievously distressed, and others are daily threatened with the same Fate, and are daily under Expectation of being burthened with heavy Costs, great pretended Damage, and Loss of their Possessions and Inhabitants; which your Petitioners are advised, they do not suffer for Want of Title, but for Want of Justice; and your Majesty's Petitioners are advised, that it's neither legal, equitable nor just, that the Titles to their said Lands should be tryed by the Judges, Jury and Courts of the said Province, in Regard they are Parties in Interest more or less in the Matters in Controversy, and ought not to hold Plea of your Petitioners said Lands.

WHEREFORE, Your Majesty's Petitioners most humbly implore Your Majesty, the Fountain of Justice, that you would be graciously pleased to take them and their said Cause under your Majesty's Royal Care and Protection; and as there is no Prospect that your distressed Petitioners can find any Remedy of their Grievances in this your Majesty's Province of *New-Jersey*, that your Majesty in your most Honourable Privy Council, would be pleased to hear and determine their said Controversy; or, that your Majesty would be pleased to appoint disinterested Commissioners out of some of the Neighbouring Colonies; and by a Jury from thence also to be taken, to hear and finally decide the said Cause; or, that your Majesty would be graciously pleased to appoint Commissioners to hear, and enquire into, and determine said Controversy, or otherwise order for your Majesty's loyal, dutiful, poor, oppressed Petitioners Relief, as to your Majesty, in your princely Wisdom and abundant Goodness, shall seem meet,

And Your Majesty's Most Humble Petitioners,
as in Duty bound, shall ever pray, &c.

N^o 2.

At the Court of KENSINGTON,
the 19th of July, 1744.

P R E S E N T,

The KING's Most Excellent Majesty in Council.

UPON Reading this Day at the Board, the humble Petition of his Majesty's faithful and loyal Subjects, the Proprietors, Freeholders and Inhabitants of a Tract of Land now called *Elizabeth-Town*, in his Majesty's Province of *New-Jersey* in *America*; whose Names are thereunto subscribed, in Behalf of themselves, and others their Associates, Proprietors, Freeholders and Inhabitants of the said Tract, humbly praying, for the Reasons therein contained, that his Majesty, in his Most Honourable Privy Council, will be graciously pleased to hear and determine, a Controversy arisen between them and several others, calling themselves Proprietors of that Province, relating to the Right to the said Tract of Land; or, that his Majesty will be pleased to appoint disinterested Commissioners out of some of the Neighbouring Colonies, and by a Jury from thence also to be taken, to hear and finally decide the said Controversy; or, that his Majesty would be graciously pleased to appoint Commissioners to hear, and enquire into, and determine the said Controversy; or, to grant such other Relief as to his Majesty should seem meet.---It is ordered by his Majesty in Council, That the said Petition (a Copy whereof is hereunto annexed) be, and it is hereby referred to the Right Honourable, the Lords of the Committee of Council for Plantation Affairs, to consider the same, and report their Opinion thereupon to his Majesty at this Board.

N^o 3.

At the Council Chamber WHITEHALL,
the 21st of August, 1744.

By the Right Honourable, the Lords of the Committee of Council for Plantation Affairs.

HIS Majesty having been pleased by his Order in Council, of the 19th of last Month, to refer unto this Committee, the humble Petition of his Majesty's faithful and loyal Subjects, the Proprietors, Freeholders and Inhabitants of a Tract of Land now called *Elizabeth-Town*, in his Majesty's Province of *New-Jersey*, in *America*; whose Names are thereunto subscribed, in behalf of themselves and others their Associates, Proprietors, Freeholders and Inhabitants of the said Tract, humbly praying, for the Reasons therein contained, that his Majesty, in his Most Honourable Privy Council, will be graciously pleased to hear and determine, a Controversy arisen between them and several others, calling themselves Proprietors of that Province, relating to the Right to the said Tract of Land; or, that his Majesty will be pleased to appoint disinterested Commissioners out of some of the Neighbouring Colonies, and by a Jury from thence also to be taken, to hear, and finally decide the said Controversy; or, that his Majesty would be graciously pleased to appoint Commissioners to hear, and enquire into, and determine the said Controversy; or, to grant such other Relief, as to his Majesty should seem meet.---The Lords of the Committee, this Day took the said Petition into Consideration, and are hereby pleased to refer the same (a Copy whereof is hereunto annexed) to the Lords Commissioners for Trade and Plantations, to consider thereof, and report to this Committee, what they conceive proper for his Majesty to do therein.

SCHEDULE, NUMB. XIV.

To the Right Honourable the Lords Commissioners for Trade and Plantations.

The Answer of the Proprietors of East-New-Jersey in America; to the Remonstrance and Petition lately presented to his Majesty, in the Name of the Inhabitants of that Province.

THE Proprietors humbly acknowledging your Lordships Favour and Justice, in allowing them a Copy of the Accusation against them, and Time for making their Defence to it, and reserving to themselves the Benefit of a further Defence; after they shall have transmitted this Remonstrance to, and received an Answer from the Governor of that Province, for present answer to the same; in Obedience to your Lordships Commands, they say, and humbly hope to satisfy your Lordships, that this Complaint is not sent from the whole Body, or any considerable Number of Inhabitants there; but from a few factious and mutinous People, impatient of any Government, and doth not proceed from any just Cause administered by the Proprietors, or their Governors or Agents; but from a Design of these Men to deprive the Proprietors of their Right to the Soil, and Quit-Rents of the Province, derived to them by Grants from the Kings of *England*, and purchased by them with great Sums of Money; and to strip his Majesty of his Regal Right to that and other Plantations, and to render them independent of the Crown.

In order to justify which Assertion, the Proprietors crave Leave to premise to your Lordships, that by the Law of Nations, Kings and Princes have a Right to all Savage Countries either conquered or discovered by their Subjects, and to dispose of them at their Pleasure.

In pursuance of which Right, the *American* Countries (whereof *East-New-Jersey* is Part) being first discovered by the *English* in the Reign of King *Henry* the Seventh, and afterwards more fully in the Reign of Queen *Elizabeth*, have ever since by Virtue of Letters Patent from that Queen, and the succeeding Kings of *England*, been granted to Planters, under small Quit-Rents payable to the Crown, or its Grantees; and though the Kings of *England*, and their Grantees, have permitted and some Time encouraged the Planters to purchase the Soil from the Indians, (which they do for Trifles) yet that Method was not used of Necessity, or for Defect of sufficient Title in the Crown, or its Grantees; but merely to avoid Wars with the Savage Natives, who were formerly more numerous there than the *English*, and

with a Prospect to bring them over by such gentle Usage to the Christian Faith. Neither is this Method of purchasing from the Indians universally practised in all his Majesty's Plantations, and not at all in those of *Virginia* and *Maryland*; the Planters there sitting down by Virtue of the Governors Warrant only; without the Leave or Consent of the Natives.

The Proprietors acknowledge, that the late King *James*, who, when Duke of *York*, was the first Grantee of this Province from King *Charles* the Second, and the Lord *Berkley*, Sir *George Carteret*, and the present Proprietors claiming under him, have for the Reasons above mentioned, generally, by themselves, or by licensing the Planters to do so, purchased the Soil from the Indians, and afterwards confirmed the same Lands to the Planters by Patents or Grants from the Proprietors, under small Quit-Rents; this was the Method of granting Lands within this Province from the first planting it, and the Grantees usually paid their Rents, till some of the Planters broached and advanced an Opinion, that the King's Right to the *American* Countries discover'd by the *English* Subjects, was only notional and arbitrary, and that the Indian Natives are the absolute independent Owners, and have the Sole Disposal of them; in Consequence of which Opinion, some of the Petitioners, who after their Purchase from the Indians, took Patents of the same Lands from the Proprietors for the Time being, now refuse to pay their Quit-Rents; and others of them who have lately made Purchases from the Indians, refuse to take Patents from the Proprietors: If this Notion receive Encouragement, and prevail, the Proprietors are advised, that all Pretences of the Crown to, and their Grants of the *American* Colonies, have been wholly illusory, and Royal Frauds, and the Petitioners may, and in all Probability will, deny his Majesty's Right to the Government, as well as to the Soil of those Countries, and set up a Government of their own; which the Proprietors hope your Lordships will think it worthy your Consideration to prevent.

These Matters of Fact being premised, and ready to be proved by them, the Proprietors humbly conceive, that the several Articles of the Petitioners Complaint are pregnant of such a Design, as will appear by a particular Examination of them, and Answer to them.

To the 1st. Besides the Disingenuity of its being a general Accusation, without descending to particular Instances, the Petitioners have stated the Case partially, and concealed the principal Matters upon which the Merit of it depends; and therefore the Proprietors, to set it in a true Light, humbly acquaint

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your Lordships, that though Col. Richard Nicholls was, in One Thousand Six Hundred and Sixty four, Governor of this Province under the then Duke of York, he had no Power, by his Commission to grant Lands; and if he had, such Power was determined above five Months before he made any Grant to the Petitioners (which was in December, One Thousand Six Hundred and Sixty four) the Duke of York, having in the Month of June preceeding, granted this Province to the Lord Berkley and Sir George Carteret: And the Licences granted to the Petitioners by Col. Nicholls then, and by the Proprietors since, were expressly under a Condition to hold the Lands so purchased of the Proprietors by Patent, and a certain Rent; and all claiming under the Licence of Col. Nicholls, actually took Patents of the same Lands, at certain Rents; as by the Records thereof appears; which the Petitioners have artfully forborn to mention, and rely wholly on their Indian Title; and though the Proprietors might, in Strictness of Law, have avoided those Patents granted by Col. Nicholls, for his Want of sufficient Authority to make such Grants; yet the Proprietors offered to confirm those crazy Titles, and never molested the Petitioners in their Possession; till they refusing to pay their Quit-Rents, the Proprietors (as they were advised was lawful for them to do) distrained upon some of them who had Patents, and brought an Ejectment against one Jones, who had no Patent, nor would take any, and therefore could not be prosecuted in any other Manner; in which Action, *the Jury being all Planters, gave a general Verdict against the Proprietors, contrary to the Direction of the Court, and the Consent of the Council on both Sides, who had agreed upon a special Verdict.*

To the 2d. This Article being likewise general, the Proprietors can make no direct Answer to it; but to obviate any particular Instance, that may be hereafter partially represented to your Lordships, the Proprietors humbly acquaint your Lordships, that when the Proprietors or their Agents, grant a Licence to purchase Lands of the Indians, they usually oblige the Grantee to purchase a certain Tract agreed upon, and to allow the Purchaser a certain Portion of it to his own Use, and take the rest of it to the use of the Proprietors: This was done in the Case of one John Royce, a great Asserter of the Indians sole Right, and a Ring-leader of that Faction; he had a Licence from the Governor to purchase, and by virtue of it did purchase a large Tract of Land from the Indians, containing about Twenty thousand Acres, and had about Six thousand Acres of it allowed and granted to him by Patent from the Proprietors, at five Pounds yearly Rent; the rest of it has since been set out to the Use of three of the present Proprietors, and been reputed their particular Property for several Years; but now Royce, puffed up with the Notion of the sole Right of the Indians, and of no Right in the King and his Grantees, refuses to pay his Quit-Rents for the Lands patented to him, and under his Indian Title, claims all the Lands he bought of the Indians, though so great a Part of it was bought for the Use of the Proprietors.

To the 3d. This Article is particular, but notoriously false; for King James having some Months before the late happy Revolution, seized the Government of this and the Neighbouring Provinces, and put them all under the Command of Sir Edmond Andros; the Proprietors durst not exercise any Government over East-Jersey; and Sir Edmond Andros being upon the first News of the Revolution, imprisoned at Boston, all those American Colonies were in great Confusion for some Time; but when the Government of England was settled, and the Proprietors restored to their former Right, the Proprietors first appointed John Tatham, Esq; and afterwards Col. Dudley (now Deputy Governor of the Isle of Wight) to be Governor of this Province; whom the People scrupling to obey, the Proprietors appointed Col. Hamilton to be their Governor, who was accepted by them, and administered the Government both Civil and Military, several Years, to the general Satisfaction even of the Petitioners themselves: The Proprietors insist, they ought not to be answerable for the Vacancy of Government occasioned by King James his Seizure of it, or by the People's Refusal to obey Mr. Tatham, and Mr. Dudley, whom the Proprietors had commissioned; and if this could be imputed to the Proprietors, the Petitioners had shown more Duty to the King, and less Malice to the Proprietors; if they had been earlier in their Complaint, and not have deferred it for seven Years after the Offence (if it be one) committed. A Militia has been long established in the Province, and mustered and exercised four Times every Year; and by a standing Law there, every Inhabitant is obliged to provide himself with a Gun well fixed, sufficient Powder and Bullet, under the Penalty of a Fine, whensoever he is found without them: They confess they have not provided Arms or

Amunition for this Militia, because the King himself doth not provide them for the Militia of England, or of his own Colony of New-York. As to the latter Part of this Article, the Proprietors declare, they have sometimes caused Land to be surveyed before they purchased it of the Indians, which is no Damage to the Indians; but they never pretended to settle any Lands till after the Purchase of it from the Indians; nor did the Indians of their own Accord make any Complaint, but have been influenc'd to do so by the Petitioners, that they may have a Colour to defraud the Proprietors of their Quit-Rents, and bring their Title from the Crown into Contempt.

To the 4th. The Proprietors acknowledge, that Col. Hamilton, a Native of Scotland, being Governor of East-New-Jersey, when an Act of Parliament in the Seventh and Eighth Years of his now Majesty's Reign, intitled, *an Act for preventing Frauds, and regulating Abuses in the Plantation Trade*, was made; they were by some Expressions in that Act, misled into a Belief, that a Scotch-man was disabled to execute the Office of Governor; and therefore, to avoid committing any Offence against that Act, did constitute Jeremiah Basse Governor of this Province, who being presented to, and as Mr. Basse informed them, approved of by his Majesty; the Proprietors in Confidence thereof, wrote such Account of it to the Inhabitants, as is suggested by this Article; but Mr. Basse having no Instrument in Writing, expressing the King's Approbation, was opposed in his Administration by many of the Inhabitants, and amongst others, by some of the now Petitioners, and Col. Hamilton came over to England about his own private Affairs; after whole Arrival the Proprietors having the Opinion of his Majesty's Attorney and Solicitor General of this Kingdom, that Scotch-men were natural born Subjects of England, and not disabled to execute the Office of Governor, and receiving an Address from great Numbers of the Inhabitants, representing the Abilities and Acceptableness of Col. Hamilton in that Station, which Mr. Basse had left, and returned to England, and praying, Col. Hamilton might be restored; the Proprietors constituted him Governor by a new Commission, and endeavoured to obtain an Approbation of him by the King; but his Majesty having a little before that Time, by Advice of your Lordships, directed a Trial at Law for deciding the Right of Government; your Lordships scrupled to admit a positive Approbation of him, because it might seem an Owning of the Proprietors Title then in Question; yet were pleased to declare, that your Lordships did not intend it as an Inhibition to the Proprietors, from exercising the Government till the Right was determined (being very sensible that the Country could not subsist in Peace without it;) and that Col. Hamilton governing according to the Laws of England, the Proprietors would be safe in Commissioning him, and he in Acting under their Commission: This was communicated by Col. Hamilton at his Arrival there to the Inhabitants, who were generally inclin'd to obey him; but the Petitioners entertaining a Belief, that if the Government be evicted or taken from the Proprietors, their Interest in the Soil and Quit-Rents, which are their civil and personal Rights must fall with it, laid hold of this Want of the King's actual Approbation of Col. Hamilton; opposed him with Arms, and now arraign the Proprietors of neglecting to provide for the Government, which themselves have rejected.

The Proprietors conceive the latter Part of this Article deserves no particular Answer, being fully cleared by the Opinions of the Attorney and Solicitor General; and therefore, only offer to your Lordships Consideration, that the Secretary and Attorney General of this Province, and the Clerk of the Supreme Court mentioned by the Petitioners, have been many Years Inhabitants there; and though they are Scotch-men by Nation, are English-men by their Interest; having embarked their whole Estates in the Prosperity of this Colony.

The Proprietors hoping they have fully answered the Petitioners Remonstrance, wherein they humbly submit to your Lordships Judgment, now crave Leave to acquaint your Lordships, that they, and the Proprietors of West-New-Jersey, had before this Complaint arrived, unanimously agreed to surrender the Government of both Provinces to his Majesty; under such Terms and Conditions as they are advised are proper, and this Remonstrance now makes necessary, for Preservation of their civil Rights; which Proposals they are ready to deliver to your Lordships, and doubt not your Lordships Approbation of them.

Signed by Order, and on the Behalf of the Proprietors of the Province of East-New-Jersey.

9th December, 1700.

WILLIAM DOCKWRA,

Secretary and Register.

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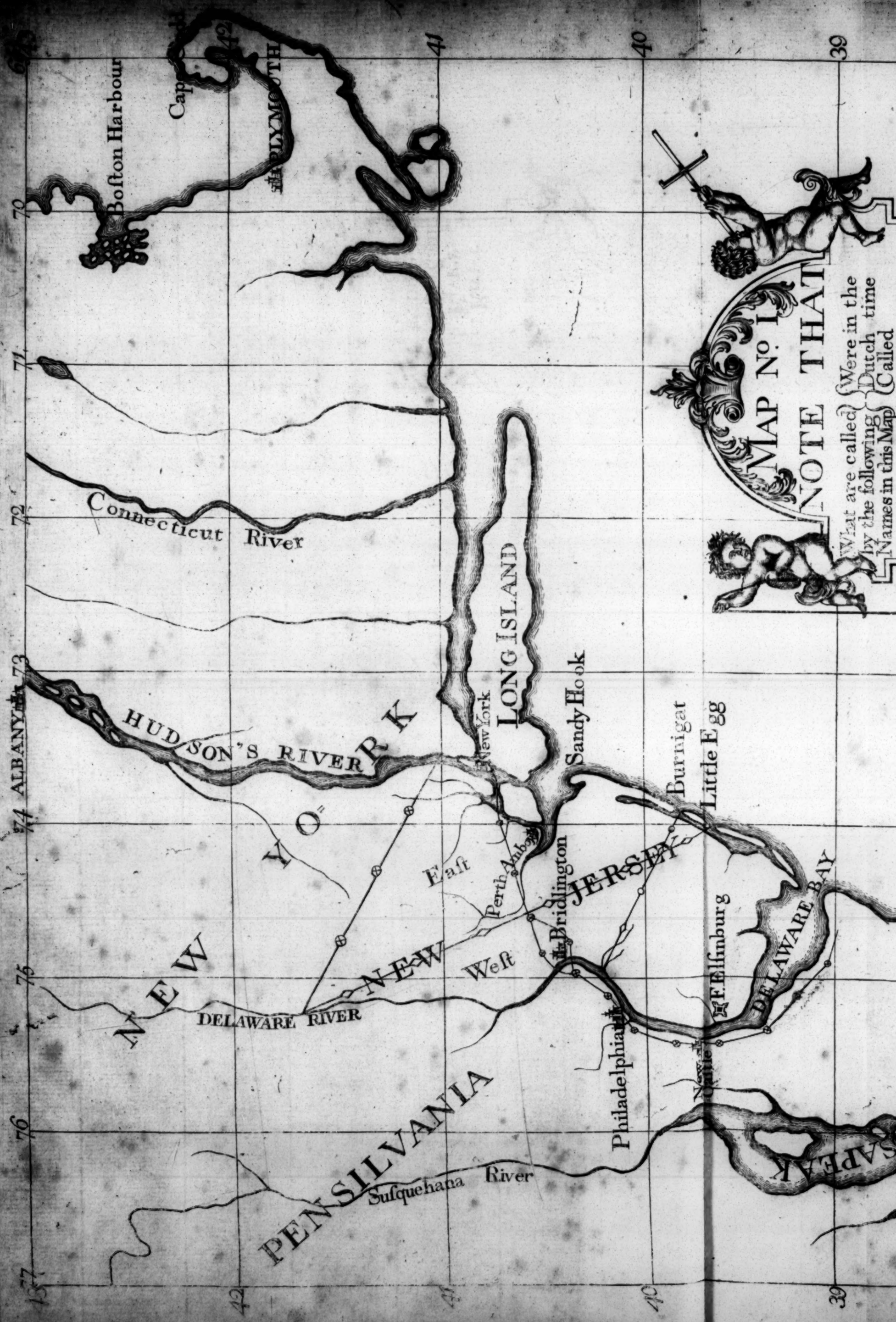
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MAP N° 1
NOTE THAT
Were in the
Dutch time
Called
by the following
Names in this Map

What are called
by the following
Names in this Map

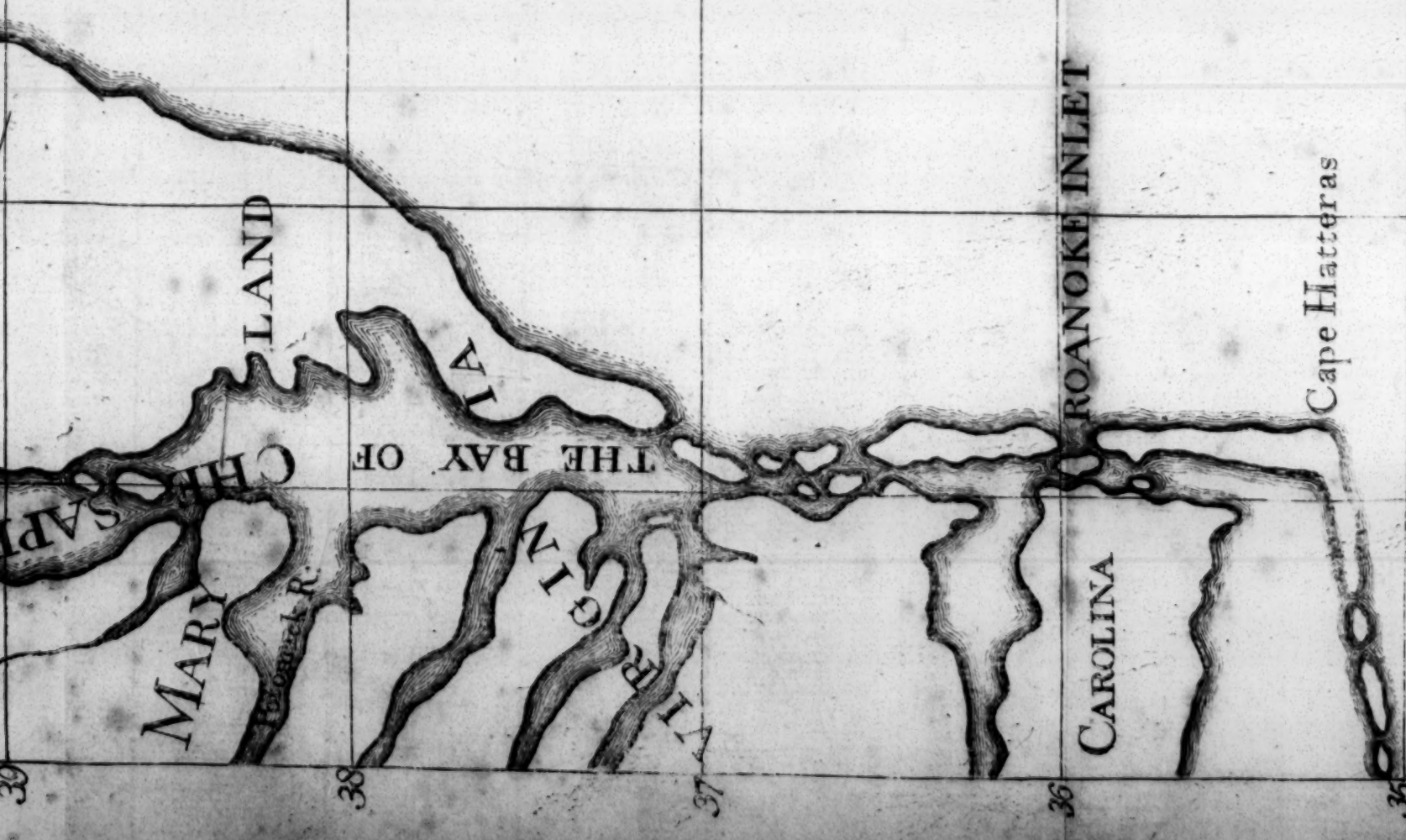
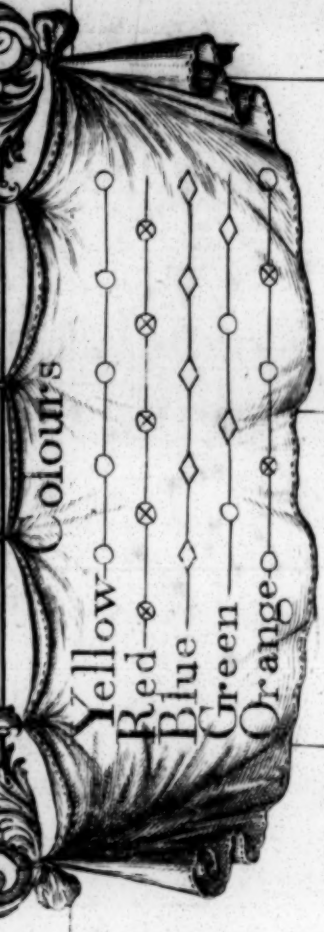
Hudson's River
Delaware River
New York
ALBANY
New Castle

Noordt Rivier
Zuydt Rivier
Nieuw Amsterdam
Fort Oranerie
Fort Casimir

Note also that
These Names Are commonly
in this Map Called

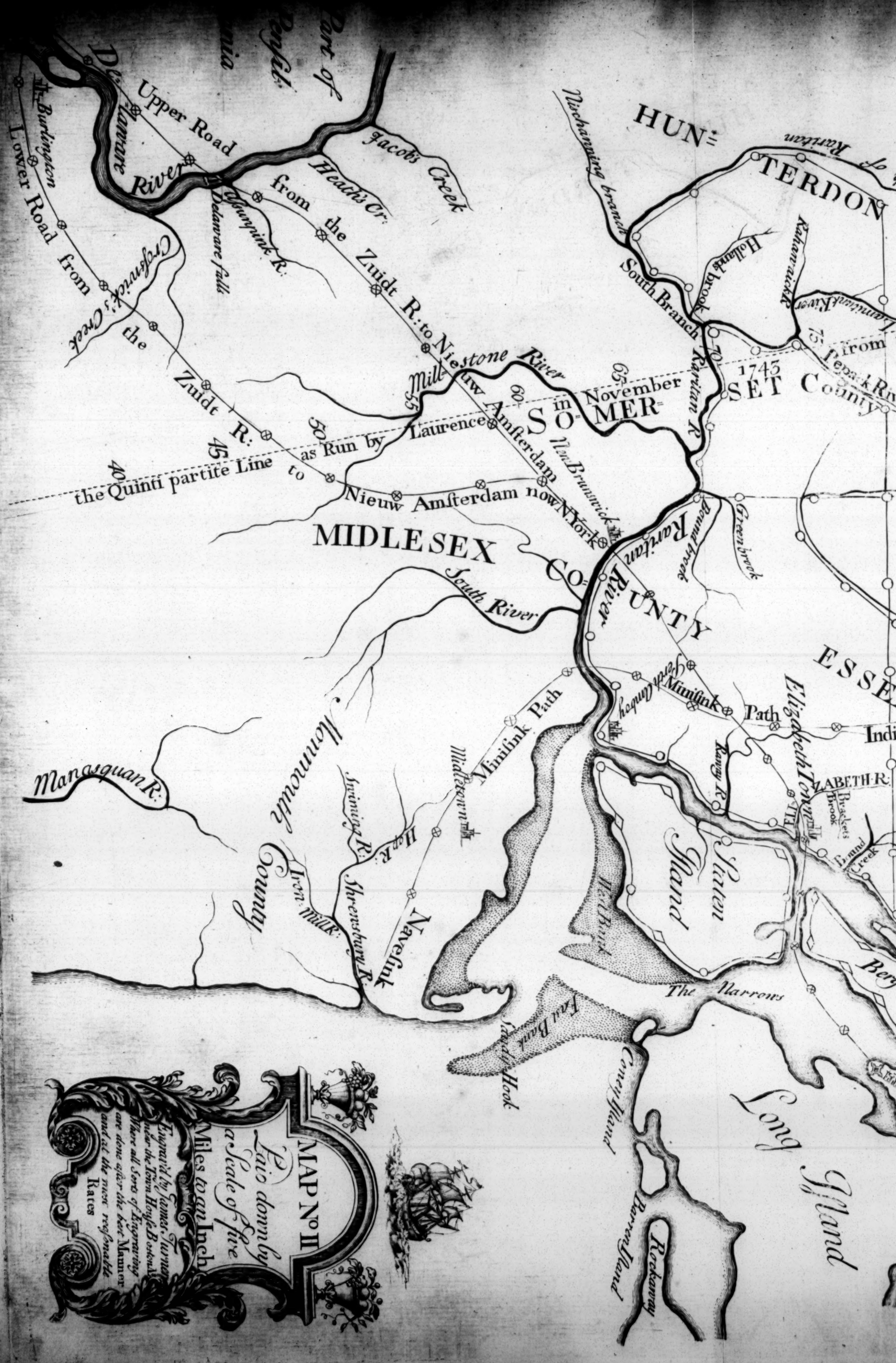
Bridlington
Burnigat
Little Egg

Burlington
Barnagat
Little Egg Harbour

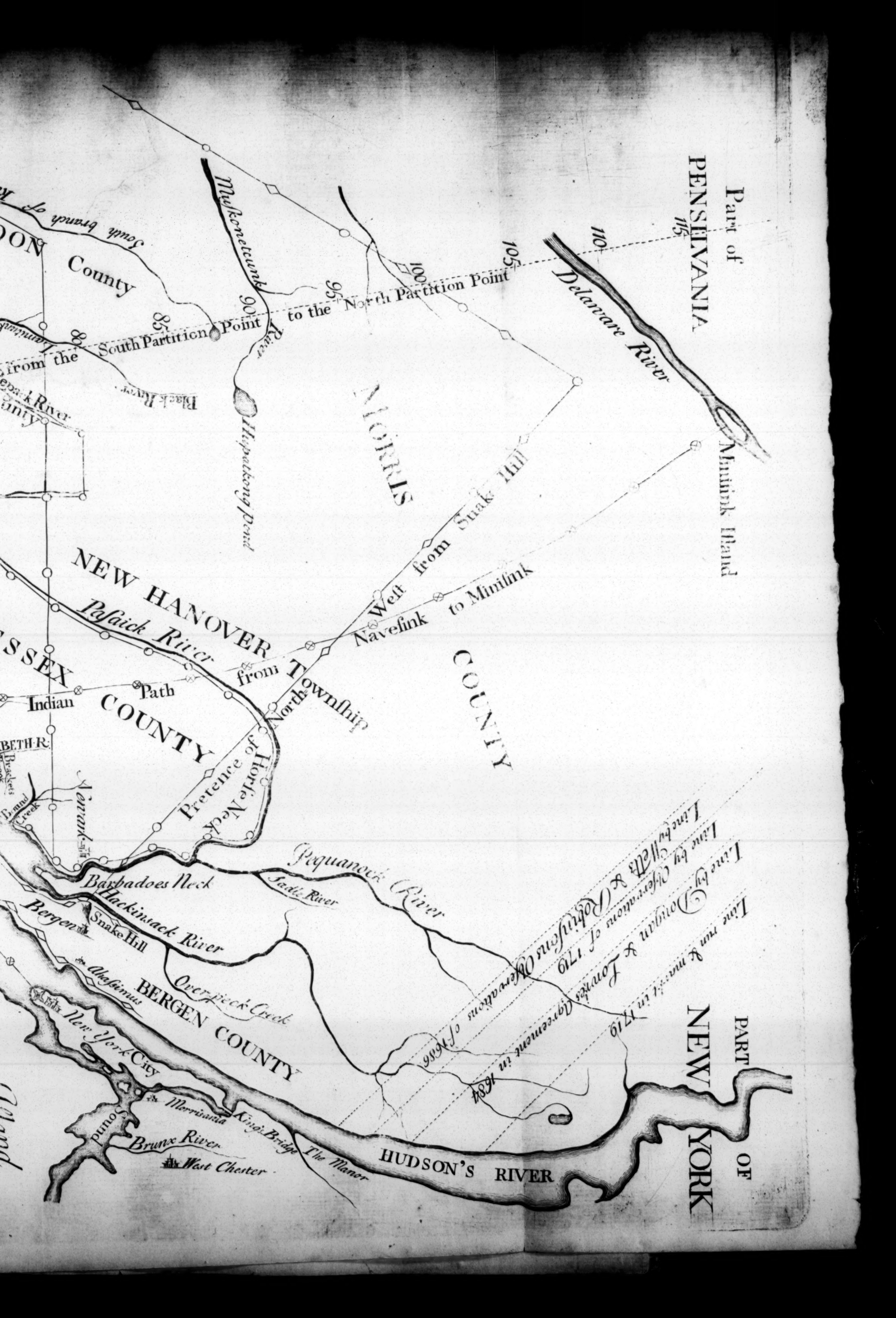


Engraved & Printed by James Turner near the Town House BOSTON

Longitude West of LONDON



MAP N^o II
Fair drawn by
a Scale of five
Miles to an Inch
Engraved by James Murray
near the Town of New York
where all sorts of Engraving
are done after the best Manner
and at the most reasonable
Rates



Part of
PENSILVANIA

Delaware River
Minilik Island

MORRIS
COUNTY

NEW HANOVER
COUNTY

ESSEX
SUSSEX

BETH R.
Bergen

BERGEN COUNTY
New York City

BRONX
The Manor
West Chester

PART
OF
NEW
YORK

HUDSON'S RIVER

Line by *Douglas & Tompkins* Agreement in 1719
Line by *Stetson & Robinson* Observations of 1719
Line by *Stetson & Robinson* of 1686
Line run & marked in 1719

Musconetcong River
Hippackong Pond

Black River
South Partition Point

to the North Partition Point

Pequanock River
Saddle River

Overpeck Creek

Brunx River

King's Bridge

Morrisania

Albany

Snake Hill

Hackinsack River

Barbadoes Neck

Venank

Indian

Path

Passaic River

North Township

Pretence of Horse Neck

from Township

West from Snake Hill

Navesink to Minilik

to the North Partition Point

South Partition Point

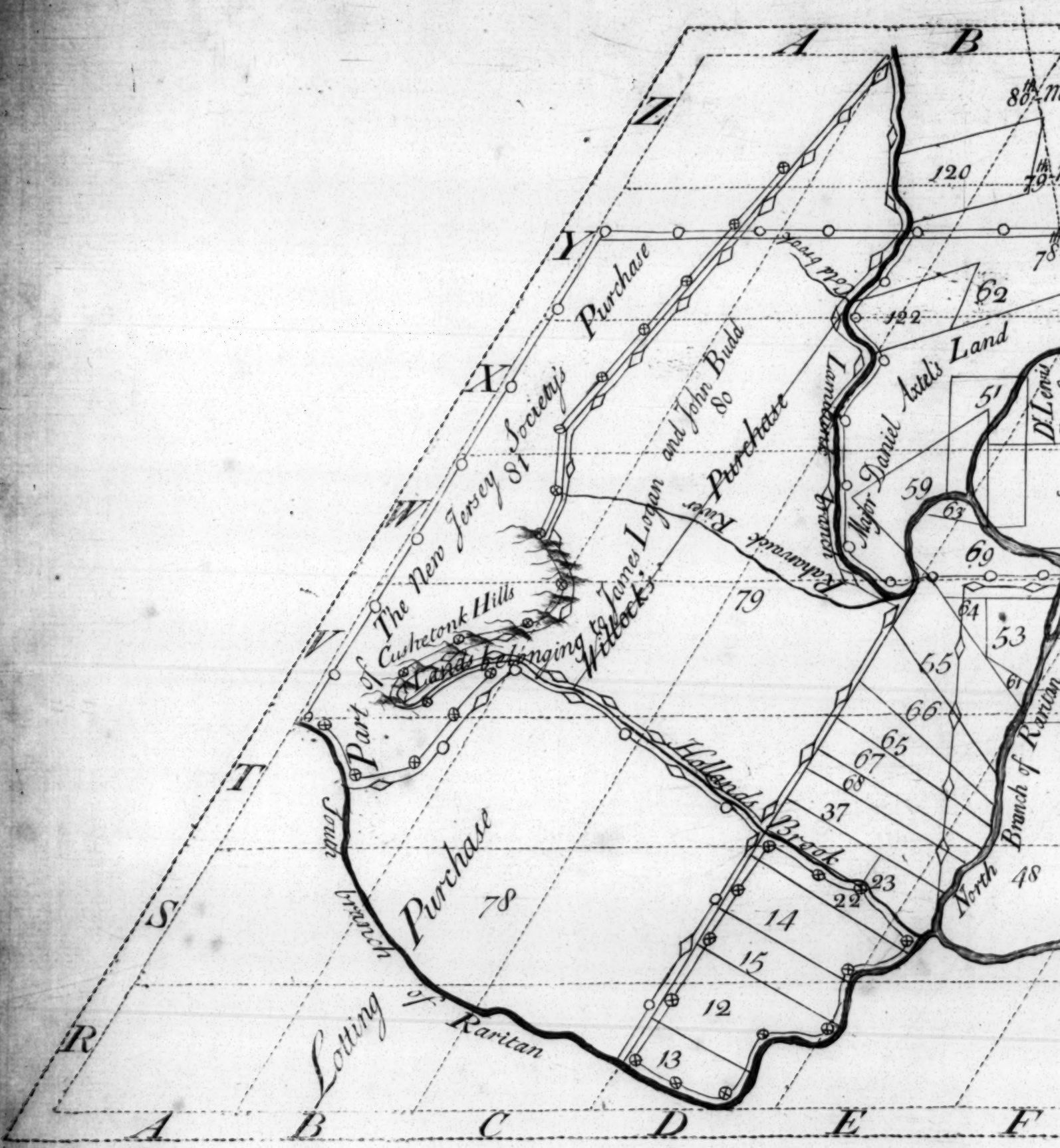
from the

Black River

County

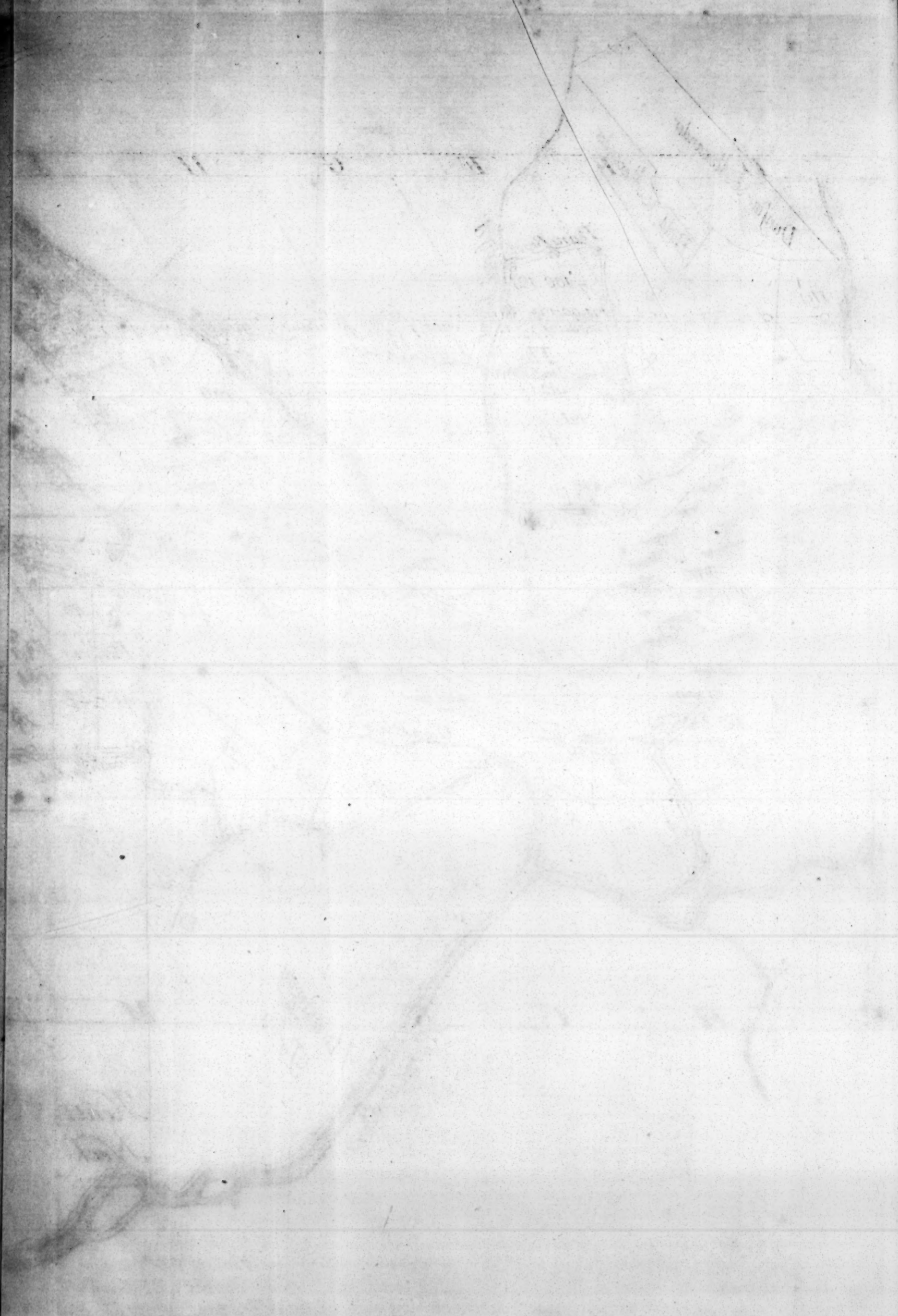
South branch of

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BY the Council of Proprietors of the Eastern Division of New-Jersey, met at Perth-Amboy, the 25th Day of March, 1746, in Behalf of themselves and the rest of the General Proprietors of the Eastern Division of New-Jersey, whom they represent.

IT is with Concern we see in the publick Papers, that in *September* last the Goal of *Newark* was, in a riotous Manner broke open, and a Person rescued from thence; who had been committed on a common Writ of Trespass, upon his refusing to give Bail, or an Appearance thereto: And that afterwards, upon the apprehending of some of the Rioters, another Riot was committed in *January* last, in which the Goal of *Newark* was again broke open, and the Prisoners therein rescued: And we have more Reason to be concerned; as we find by the *New-York Weekly Post-Boy*, of the 17th of *February* last, and by a printed Paper, signed *Griffin Jenkins*, the General Proprietors are traduced as the Cause of those Riots, in Expressions unbecoming any Men to use towards those from whom, under the Crown of *England*, all the Freeholders of *East Jersey* do derive their Titles to their Lands, and which, we are well assured, no Man of Reputation would use; and at the same Time put his Name to what he says: We have therefore thought proper to publish what follows, in order to obviate the Mischiefs that may arise from such daring Practices, and that the People of this and the neighbouring Provinces, into whose Hands those Papers may come, as well as those who are at a greater Distance, may be truly informed of the Points in dispute, between these poor deluded People and the General Proprietors.

The *Post-Boy* of the 17th *February* last insinuates, That the Persons in whose Favour these Riots were made, have a better Title to the Lands in Dispute, than the General Proprietors, and those claiming under them; that they have been put to great Expence by many vexatious Suits; that they are prevented from bringing their Causes fairly before the King; that the Conduct of the General Proprietors has been cruel; harassing and vexatious; and that in the particular Transaction between the Settlers of the Lands called *Horse-Neck*, and the Persons claiming it under the General Proprietors, the Settlers have made fair and reasonable Proposals, and the Claimers have rejected them.

Now if it can be made appear, that these Rioters have no good Title to the contested

Lands; that these Rioters in particular, have never been put to any or a trifling Expence by Law suits; that the Conduct of the General Proprietors has been regular, careful and remarkably candid to every *bona fide* Purchaser; that any Persons with whom they have been oblig'd to go to Law, might, if they pleased, have brought their Causes by Appeal, before the King in Council; and that in the Transaction about the Lands called *Horse-Neck*, fair and reasonable Proposals were made by the Claimers to the Settlers, but were rejected: If these several Things can be made appear, then it must be left to the Publick to judge how grossly these poor People are abused, by the Fomentors of these publick Distractions.

It is well known and apparent by the Records of this Province, that in 1664, before any Englishman ever settled in this Province, King CHARLES the Second, by Letters Patents under the Great Seal of *England*, granted to his Brother, *James Duke of York*, a great Tract of Land in *America*, in Fee, whereof *New-Jersey* is a Part;--That the said Duke of York, by Deeds of Lease and Release, in the same Year, conveyed the Tract of Land now called *New-Jersey*, in Fee, to *John Lord Barclay* and *Sir George Carteret*; and that after the Dutch War, like Grants were again made of *New-Jersey* in the Year 1674;--That the said *Sir George Carteret* and the Assigns of *Lord Barclay*, by Deed, bearing Date 1st *July*, 1676, divided *New-Jersey* between them, the Eastern Part of which was to belong to *Sir George Carteret*; which Deed and Partition was confirmed by an Act of General Assembly of *New-Jersey*, passed in the Year 1719;--That *Sir George Carteret*, by his last Will, bearing Date 5th *December*, 1678, devised, among other Things, to certain Trustees therein named, a Power to sell *East New-Jersey*; and that these Trustees, in Execution of the Trust reposed, and agreeable to the Powers given them, did, by Deed dated 2d *February*, 1681-2, convey *East New-Jersey*, in Fee, to *William Penn*, *Robert West*, and others, to the Number of Twelve; and that each of these Twelve, by particular Deeds, took in a Partner, who was to be

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equally

equally concerned with him, so that *East New-Jersey* became vested in Twenty-four Persons, who have been ever since called *the Twenty-four Proprietors*.

5 That by an Instrument under the Hands and Seals of almost all the Twenty-four Proprietors, a Council of Proprietors was established, with Power to appoint, oversee and displace, all Officers necessary for the Management of their Property; with Power also to
10 take Care of all Lands belonging to the General Proprietors, to demise them for Terms of Years, and to appoint Dividends thereof; with Power also to examine the Rights of
15 every particular Proprietor, who demands his Share of those Dividends, and to grant Warrants to the Surveyor-General, for appropriating the Quantity due to such Share; with Power also to bring Suits against Intruders
20 into and Trespassers upon the Lands of the General Proprietors, and in general, to manage all the Affairs which relate to the said Proprietors; which Council is to consist of at least, one third Part of the whole General
25 Proprietors, or their Proxies; and which Council, for many Years past, actually has consisted of that Number or more, and they have two general Meetings yearly, at *Pertb-Amboy*, immediately after the Supreme Courts
30 there.

This is a short Abstract as well of the Title of the General Proprietors, to the Lands of *East Jersey*, as of the Constitution of the present Council of Proprietors, wherein all
35 their Business is done; and from hence it will appear, that they are no Pretenders, but have a Right, not only to call themselves Proprietors of *East New-Jersey*, but to be treated as such.

40 The Title pretended to, in Opposition to theirs, by the Rioters and their Abettors, is, That they or their Ancestors, have possessed Lands, by Purchases from some Indians, stiled by them *the Native Owners of the Country*;
45 but no such Deeds appear any where on Record, nor do they tell us who made these Purchases, nor from whom, nor when: Now, be these Purchases real or pretended; be they by Conveyances from some private foreign strolling
50 Indians, or from such as lived on the Lands, and might have had some Pretensions to sell them; or be the Purchases made for small or trifling Sums, or for such Considerations as were then usually given to the Indians; or whether the
55 Indians had or had not sold the same Lands by former Conveyances to others; be they, in short, what they will, the Matter with respect to these Purchases by the original Constitution, Practice and Laws of this Province stands
60 clearly thus:

It is well known and apparent by the Records, that the Proprietors, Lord *Barclay* and Sir *George Carteret*, by Charters of Concessions, established the Constitution of *New-Jersey*, and therein prescribed the fundamental
5 Rules of that Government, and the Rules and Methods by which Property in Lands there might be acquired; amongst which Rules one was, * That, 'all such Persons who should
'transport themselves into the Province of
10 ' *New-Jersey*, within certain Times limited by 'the said Concessions, should be intitled to 'Grants or Patents under the Seal of the Province, for certain Quantities of Acres in the
'said Concessions expressed, paying therefore
15 'yearly, the Rent of one Half-penny, sterling 'Money, for every Acre so to be granted.'

Another Rule was, † 'That all Lands
'should be purchased by the Governor and
'Council from the Indians, from Time to
20 'Time, as there should be Occasion, in the 'Name of the Lords Proprietors; and every
'Person settling was to pay his Proportion of 'that Purchase Money and Charges.

It's notorious also, and apparent by the
25 Records of *New-Jersey*, that the Government of that Province was, pursuant to the said Concessions, established by the said Proprietors, and that Governors and Officers were from
Time to Time, by them and their Assigns,
30 commissioned for that Purpose; who for many Years administered the Government, pursuant to the said Concessions, granted many Hundreds if not Thousands of Patents for
Lands to Persons who came to settle in *New-*
35 *Jersey*, upon the Encouragement given by the said Concessions, rendering and paying yearly, the Rent of one Half-penny sterl. per Acre.

After the Division of *New-Jersey* into two
Provinces, in 1676, to wit. *East New-Jersey*
40 and *West New-Jersey*, made by Sir *George Carteret* and the Assigns of Lord *Barclay*, tho' the fundamental Rule aforesaid, concerning Indian Purchases, was generally observed, yet some few Persons broke thro' it, by taking
45 Deeds from the Indians in their own Names, and not in the Name of the Lords Proprietors; which induced the Governor, Council and Representatives of the People of *East New-*
Jersey, in General Assembly met (the better
50 to enforce that Rule, and to prevent Sedition likely to ensue from the Breach of it, as well as Men's Titles being thereby rendered precarious) in the Year 1683, to make an Act, 'for
55 'bidding all Treaties with the Indians without
'Licence of the Governor, and the taking of
'any Deed from them, but in the Name of the
'Lords Proprietors of *East New-Jersey*, upon
'Pain of being prosecuted as seditious Persons,

* Lib. 3, 70, 6c.

† Lib 3, 96.

and as Breakers of the King's Peace, and the publick Peace and Safety of the Province. As by the Record of the said Act in Lib. C. pag. 52, Cap. XVIII. more fully may appear.

It's also notorious and apparent by the Records, that after the Division aforesaid, Sir George Carteret and his Assigns, enjoyed the Government of *East New-Jersey*, and disposed of and divided the Lands thereof according to the said Concessions and Agreements amongst themselves, and the Laws of the Province, until the Year 1702, when they agreed with the Proprietors of *West New-Jersey* to surrender, and did together surrender their Governments to the Crown of *England*, reserving all other their Properties, Rights and Franchises whatsoever; whereupon the two Divisions of *New-Jersey*, became again united into one Province, the Government of which, by the said Surrender, belonged to the Crown; but the Right to the Soil, and every Thing else that passed to Lord *Barclay* and Sir *George Carteret*, by their Grants from the Duke of *York*, remained in their Assigns who made the said Surrender; and by Concessions made by the Crown at the Time of the Surrender of the Proprietors Government, a Set of Instructions were agreed on, to be granted to all Governors who should be appointed by the Crown for the said Province of *New-Jersey*; and which have hitherto been accordingly granted; and by which Instructions, amongst other Things, the Crown disclaims all Right to the Province of *New-Jersey* other than the Government, and owns the Soil and Quit-Rents, &c. to belong to the said General Proprietors; and wherein the Governors are directed not to permit any other Person or Persons, besides the said General Proprietors, to purchase any Land whatsoever from the Indians, within the Limits of their Grant; wherein also the Crown commands those Governors, not only to permit the Officers to be appointed by the General Proprietors, for the Management of their Properties, to execute their Offices, as the Receiver-General, Recorder and Surveyor-General, upon taking the Oaths to the Government, and giving Security for the due Execution of their Offices, but also to aid and assist them therein; as by so many of those particular Instructions, as concern the Affairs of the General Proprietors, appearing on Record in the Secretary's Office of *New-Jersey*, in Lib. F. 2. fol. 423, &c. much more fully may appear.

And the several Governors of *New-Jersey*, under the Crown, pursuant to the said Instructions, from time to time, have administered the Oaths to, and admitted the said Officers to the Execution of their Offices, and seen

Security given for the due Execution thereof, and notified it to the People by publick Proclamations, as by the Minutes of the Governor and Council of *New-Jersey* appears.

It's also apparent by the Records and by the Minutes of the Governor and Council of *New-Jersey*, that the Exercise of the Government of *New-Jersey*, remained in the Proprietors until the 14th Day of *August*, 1703, when Lord *Cornbury* published his Commission from *Queen ANNE*, to be Governor of *New-Jersey*.

It's also apparent by the Records, and by the first Leaf of all the Editions hitherto printed of the Acts of Assembly of the united Province of *New-Jersey*, that by the very first Act of Assembly, made after the Government came to the Crown, published in *November*, 1703, not only all Indian Purchases, which had not been made by the Proprietors before that Time, are declared void if they obtained not Grants for them from the General Proprietors within Six Months; but also all who should thereafter make Purchases of the Indians (except Proprietors, and they too only in the Manner there prescribed) should forfeit *Forty Shillings per Acre*, for every Acre so purchased.

It is also apparent by the Records, and by the printed Acts of Assembly, passed in the Year 1713, Chap. XXXIX. that a Penalty of *Twenty Shillings*, Proclamation Money, is laid for cutting of every Tree upon Land not the Person's own, and that as well upon Lands belonging to the Proprietors in general as to others in particular.

Possibly many of the Rioters being ignorant Men, and many of them Strangers to the Province, and since they came to it living retired in and behind the Mountains of *Newark*, upon any Land they could find, without enquiring who the Owner thereof was, have of late been animated and stirred up to believe, that those Things which the Laws of the Province have declared to be criminal and penal, were lawful; and that those Crimes committed, gave the Criminals Rights, Privileges and Properties; but though many have been ignorant enough to be so seduced, we cannot think that all can with Truth plead that Excuse; some there are amongst them, who tho' they may not be acquainted with all the Particulars aforesaid, yet cannot be supposed never to have seen the printed Laws of this Province, and the first Leaf of them, which has had at least three Editions, making those Pretences void and penal. The poor, deluded, ignorant People, we conceive, deserve Pity and Compassion, but the Laws of the Province point out the Deserts of the Seducers.

Neither

Neither the General Proprietors, nor we their Representatives, have to our Knowledge, been guilty of any Invasion of the just Rights, Properties or Possessions of any of the Rioters, 5 or of any of the People of *New-Jersey*, or of imposing upon or beguiling innocent, weak and ignorant Men; as in the *Post-Boy's* Paper is averred to be notoriously known; we have too much Concern in the Well-being and 10 Prosperity of *New-Jersey*, to let such a Thought enter into our Hearts; nor have we been accessory to or ever countenanced any Fraud or Oppression by any one or more Proprietors.

But as every Proprietor has the Liberty of 15 selling his Propriety to whom he pleases, and in as many Parts as he pleases, the Number of the Proprietors, may be easily supposed, to have greatly augmented; among which Number, probably there may be some not quite so 20 honest as they should be, as there's no Law to hinder a wicked Man from purchasing a Share of Propriety, or the Descent thereof to wicked Heirs; but yet we conceive, that there's a greater Tye upon them to be honest, 25 than upon any other Set of Men in this Province; because if they are guilty of any Fraud or Oppression as Proprietors, they are not only punishable by the King's Laws, as all other Men are, but also, upon Complaint to the 30 Council of Proprietors of them, they stop their Warrants for their Dividends, till they have done Justice in every Thing wherein they had deviated from it, as Proprietors; of which sundry Instances have been; and the 35 Knowledge of this further Tye upon them beyond any other Set of Men, maketh even Cheats to avoid Tampering as to their Rights of Propriety, however wicked they may be in their other Dealings with Mankind.

40 It is possible, that by an Oversight in the Searching of the Records, a Proprietor may very innocently get appropriated to him, in Part of his Dividends, some Lands that ano- 45 ther Proprietor had appropriated before, and not knowing of that prior Appropriation, sell it; and if the Case should be so, undoubtedly the Person who was first legally vested with the Title in Severalty, will and ought to recover the Land. All the Regulations that the 50 Council of Proprietors could think of to prevent such Accidents have been made; they allow of but two Deputy Surveyors in a County, except in one large County, and these are to communicate their Surveys to one another for 55 fear of interfering; then the Surveys are duely examined by the Surveyor-General, who, if he suspects such an Accident, stops them till that Point be enquired into and cleared up, and then the Surveys are recorded, open to 60 the View of every one, where any Buyer may

satisfy himself, *first*, that the Seller has it legally appropriated to him; and, *secondly*, may see, whether it was legally appropriated to any Person before: But of such Accidents, we conceive fewer have happened, to our 5 Knowledge, than could well have been expected; and where they have happened, Justice has generally been done to the Buyer, either voluntarily, or by Compulsion, at Law, and sometimes by our stopping Dividends till 10 Justice was done; and that has always been done where ever any one would take that Course to complain to us, or where we otherwise got Notice of such Things.

We recollect no more than *three* Cases where 15 People have been injured by Sales by single Proprietors, where the Land has after been recovered by others, and where the Sufferers had not or may not have full Redress; the Origin of two of those Cases was about the 20 Year 1709; when an unhappy Gentleman, since deceased, then a Proprietor, was imposed upon to sign one Deed for about One Hundred and Seventy Thousand Acres of Land, called *New-Britain*; and another Deed for 25 about Fifty Thousand Acres of Land at *Rompack*, without any legal Appropriation thereof to him, and without any Consideration paid to him, as ever after during his Life he averred; and that he did not dream or believe, that 30 a Foot of them was in *East New-Jersey*; to prove which, he preserved, and his Representatives now have, sundry Letters under the Hand of the principal Grantee in both those Deeds, which have been given in Evidence in 35 his Presence in the Supreme Court.

The Grantees of the greatest Tract, sold 40 some thereof, which being legally appropriated by other Proprietors, they recovered against the Possessor about 25 Years ago; and as 40 those Grantees were so cunning as to give only joint Covenants to the Possessor, so that they could not be proceeded against at Law, for the Recovery of his Damages, till all were taken; and as some lived out of the Province, 45 Relief at Law for that Reason, could not be had; wherefore the Proprietors who recovered, compassionating the Man against whom they recovered, stayed their Execution, and for him and in his Name filed a Bill in Chan- 50 cery against those Sellers, to compel them to pay the Costs of the Suit; and all Monies paid by him in Part of the Consideration Monies, and for his Defence, and to deliver up his Bonds for the rest of the Consideration Money, 55 all which they got done for him; and upon the Proprietors threatening to file a Bill in Chancery, to set aside that Deed for the Irregularity and Fraud in granting and obtaining of it, to prevent People from being further 60 imposed

imposed on by it, they promised to do Justice to the few others, to whom they had sold, by giving up their Bonds: As to the 50,000 Acre Tract, it lying very remote, the Proprietors, till about ten Years ago, had no Occasion to go so far in laying out their Dividends, when they found that on Pretence of that Deed, about Twenty People had been imposed upon to buy; whereon Ejectments were brought against some of them; and in one of them tried, the said Letters were given in Evidence, which showed that the said Deed, under which they claimed, was a Fraud; nor could they show any Power or Right that the Grantor, tho' a Proprietor, had to sell those Lands; so that notwithstanding that Deed, the Lands still remained in common belonging to the General Proprietors, whose Title thereto our Council showed, and demurred to the Defendants Title; whereupon the Defendants were either obliged to join in Demurrer, or wave the Evidence demurred to;--they waved their Evidence;--gave no further Evidence;--and so the Jury went out without any Evidence whatsoever on the Part of the Defendants, and yet they brought in a Verdict for them, to the Admiration of all who heard it.

We being determined not to let 50,000 Acres of the Property of the General Proprietors be so wrongfully taken from them by one or more such Verdicts, were about to have brought others of the said Ejectments to Trial, and to have commenced more; whereon an Accommodation was proposed, and we agreed that for *Twenty Pound per 100 Acres* (which was scarcely the fourth Part of the Value of the Lands) those who had *bona fide* purchased, should be confirmed in those Lands, by a legal Appropriation and Conveyances thereof to them, with absolute Warrantees. The two Cases before, happened not amongst the Rioters; so that they cannot complain they have been hurt by them; but the Scene of the third Case, we believe was chiefly amongst them; and the Fact was, that one *Jacob Arents*, not a Proprietor, but one who had purchased a Right to a certain Number of Acres unsurveyed, in Part of some of the Dividends, and so he had Right to have that Quantity survey'd where he would chuse, procured Deputies to survey Lands for him on those Rights, imposed on some ignorant People to buy them of him, without bringing those Surveys to the Surveyor-General to be approved of and recorded as Part of his Right; so that by this Means, his Right was to be like the Widow's Cruse, still selling it and still the Whole remained: Notice of this Imposition coming to the Council of Proprietors and sufficient Proof

of it appearing, they, on the 27th Day of February, 1739, ordered an Advertisement to be printed both in *English* and *Dutch*, to prevent People's being further imposed on by that Practice (a Copy of which Advertisement in English is annexed, N^o I.) * which was accordingly, for many Weeks succeeding, printed both in English and Dutch, in the *New-York Weekly Journal*. We believe several of the Rioters and their Neighbours were injured by that Man's Practices, and that without Redress; because he had not Estate to make Compensation, and was never one of the General Proprietors, or intitled to any Dividends of Lands amongst them, to have Relief that Way:--But are we to blame for this? Are not the very fundamental Concessions and the Laws of the Province obvious to every one, that no Survey can be good, until recorded in the proper Office for that Purpose? And Men must blame their own Simplicity, to think a bare Running round of Land, with a Deputy's certifying he had so done, could make a Title to it: It's this third Case of *Arents* which we so forewarned the People from being imposed on by, that, we believe, gave rise to those Pretenders, mentioned in Mr. *Jenkins's* Letter; and whether any more such have arisen we know not, as they have not come to our Knowledge; and the Mark he gives of such Pretenders is a good Sign to know them by, viz. *That they refuse to warrant and defend the Lands which they offer to sell*; for the true Owners will never scruple giving that Security to the Purchasers; nor do we know of any of the Proprietors that do ever refuse to warrant and defend; but tho' Sellers should be willing to warrant and defend, yet we think prudent Men ought also to observe the Cautions in our said Advertisement.

We know of no other Cases that can be assigned for Fifty Years past, where Recompense has not been or may not be had, to make good

N^o I. *

Perth-Amboy, February 27, 1739.

Whereas the Council of Proprietors of the Eastern Division of *New-Jersey*, have been informed, that some undue Practices have been committed by one Doctor *Jacob Arents*, and some other Persons, in taking upon them to dispose of sundry Tracts of Land, belonging to the General Proprietors in common, and not appropriated to any one by Patent or Survey recorded, and thereby deceiving many honest and well-meaning People into the purchasing of such Lands. Now publick Notice is hereby given, by Order of the aforesaid Council of Proprietors, for the preventing of any further Impositions, on the good People of this Province, that they be wary how they purchase any Lands of the aforesaid Doctor *Jacob Arents*, or any other Person, without being fully convinced that the Lands by them offered to Sale, have been duly patented or surveyed, and returned by the Surveyor-General, and that the Return of the Survey is upon Record; without which appearing, they may depend on it, that an Imposition is intended; and if any Purchaser neglects this Care, he is to blame himself if he be imposed on.

By Order of the Council of Proprietors,

Laur. Smyth, Clerk.

good the Allegations of the Rioters, in the *Post-Boy's* Paper; nor do we believe in the Whole that Fifty Persons in all that Time have been imposed on by those three Cases, or any
 5 like them without Recompense; which must fall far short of the whole Country, consisting of 50,000 People and upwards; and we doubt much if the same can be said of any other Body of Men so numerous in Proportion as the Ge-
 10 neral Proprietors; nor do we believe it could be said of the Proprietors of *East New-Jersey*, were it not for the stopping of Dividends till Justice is done, which, as before is said, lays a further Tye on them than other Men are
 15 subject to; but were there more People imposed on (we beg Leave to repeat) is it in the Power of the General Proprietors to hinder wicked Men from becoming Proprietors along with them, either by Purchase or Descent?
 20 And if the Laws in Force be not sufficient to punish wicked Practices, the Legislature can make what further Laws they think proper for that Purpose, in which we should most heartily join, were they needful; but we know
 25 of no Defect, as the Laws fully point out what is and what is not a Title; and if People will venture to buy Titles over the Belly of the Laws, are not they to blame and not the Laws?

30 We never heard of such a Purchase as *Mr. Van Gefin's Purchase*, or *Horse-Neck Purchase*, until within these two Years, that we have been told, that two such Deeds from some Indians had been procured, bearing Date in
 35 or about the Year 1701; but by whom, or from whom in particular we have not as yet learnt: We have also lately heard, that about thirteen Months ago, the People thereabouts had procured an Indian to come from *Nave-*
 40 *sinks*, about 40 or 50 Miles off, who signed some Writings, while in Company with the Persons said to be the Committee mentioned in the Paper in the said *Post-Boy*; but what these Writings so executed were, was kept a
 45 Secret from the Witnesses; if they were Deeds of Lands from that Indian, or the Deeds of what's called *Mr. Van Gefin's Purchase*, and *Horse-Neck Purchase*, we know not: But if they were; or be they granted or dated at
 50 any Time whatsoever; its evident, that by the Act of 1703, they are void; and if done in 1701, as pretended, its obvious from the Act of 1683, herein before mentioned, that the Transactors thereof were Criminals, for so
 55 treating and accepting of Deeds; and not only so, but they are liable to the Penalty of 40 s. *per Acre*, for every Acre bought of such Indian, after 1703, as well as to the Penalty of 20 s. for every Log or Tree by them cut
 60 on such Lands on Pretence of these Deeds,

or any other Way, without Leave of the Owner; and that whether the Lands belong to the Proprietors in general, or to others in particular.

Notwithstanding what is suggested by the *Post-Boy* and *Mr. Jenkins*, we are well assured,
 5 That since the first Settlement of *New-Jersey*, there is not one Instance can be assigned of any Breach of Peace with the Indians thereof, (tho' very few of the other Provinces can say
 10 so as to their Indians) nor that any Proprietor ever presumed to dispossess one of them, or disturb him in his Possession; but have always amicably paid them for their Claims, from
 15 time to time, as they could agree with them; nor was the Crown, nor the Legislature of the Province of *New-Jersey*, now for Four Score Years past, since the Settlement of this
 20 Province, ever put to one Penny of Charge or Expence, for keeping the Indians thereof in Peace, in Bounties, Presents, or otherwise; which is well known to be far otherwise in
 25 other Provinces, and may and probably will soon be otherwise here, if some late Tamperings with the Indians thereof be neglected and past over with Impunity. But if it be
 30 true, what the Rioters pretend, that they have bought the Indians Right; then have the Indians no Right to those Lands; --- and if the Buyers have possessed the Lands *one Score*
 35 instead of *some Scores* of Years, as they say they have done; the mean Profits they have reaped of them, may reasonably be esteemed much above five Times the Value of the Purchase Money (unless they bought at a Rate
 40 much dearer than has been usual.) But if they had not reaped so much; yet what Right the Rioters acquired by those Purchases, and what Rewards are due to them for so purchasing, the Acts of 1683, and 1703, declare; and on
 45 producing their Purchase-Deeds, its presumed those Rewards will not be kept back from them.

And tho' the Proprietors are, by the fundamental Rule aforesaid, to purchase from the
 50 Indians from time to time, as there should be Occasion; yet they know of no other Limitation of Time for that Purpose, than before they enter on any Indian Possession.

We are sorry to say, that tho' there has
 55 constantly been Receiver Generals appointed by the General Proprietors, and those duly admitted by the Government, pursuant to the Royal Instructions aforesaid, and notified by publick Proclamations; yet there has of late
 60 been a great Backwardness in paying to them the Quit-Rents; but the whole Arrears thereof due, in the whole Province of *New-Jersey*, we do not believe (should the Account be stated) would amount to £. 15,000.

We

We know of no Confusion in this Province, but what the Rioters and their Accomplices have made, and are animating the People to make, upon the false and unfair Suggestions in the *Post-Boy's* Paper, in hopes to wrest from the General Proprietors both their Rents and Lands, and to set up sham Deeds procured from strolling Indians, for a few Bottles of Rum, or such Considerations, in place of the Title of the Crown of *England* to the Lands of *New-Jersey*; an Attempt so daring, that they cannot hope to succeed in it, without not only oversetting the fundamental Laws and Constitutions confirmed by many Acts of the General Assembly of *New-Jersey*; but also withdrawing their Allegiance from the Crown of *England*, which must support its own Title to *New-Jersey*, as well as to its other Provinces. --- How unequal to that Task are those poor deluded Men, who have been led into the Committing those Riots, they must soon see, if they'll give themselves the least Time to reflect! --- So deluded are they to presume, and so impudent are their Seducers, to make Appeals to God, and demand his Blessings on their Crimes and Breaches of the Laws of the Province; and to assert themselves to be the King's dutiful and loyal Subjects, while breaking his Goals; and trampling his Authority and Laws under Foot.

Tho' neither the General Proprietors nor their Council were privy to the Treaties hinted at in the *Post-Boy's* Paper, or concerned in any Ejectments or Suits there mentioned; yet as Messrs. *Alexander* and *Morris*, supposed to be the two Persons meant by the Letters *A---r* and *M---s*, were privy to them, and are two of our Body, we have desired, and they have given us an Account of what concerns them, as follows, viz.

They say, and it appears to us by the Records in Lib. O. 212, and Lib. G. 368, that there was in *June*, 1701, the Quantity of 13,500 Acres of Land surveyed and patented at *Horse-Neck*, to Sir *John Moore*, Knight, Sir *Thomas Lane*, Knight and Alderman of *London*, and other Proprietors, in and about *London*, commonly known and called by the Name of the *New-Jersey Society*, in Right of their second Dividend for two Proprieties and a half, or Twenty-fourth Parts of *East New-Jersey*. They say also, that by Deed recorded Lib. AB. 2, fol. 106, in the Office of the Proprietors Recorder, and in Lib. F. 2, fo. 376, in the Secretary's Office at *Perth-Amboy*, they with Mr. *David Ogden*, purchased the said Tract of Land, in the Name of Mr. *Alexander*, having many Months before agreed for the Purchase; that after the Purchase was agreed for, they caused the said Tract of Land to be

carefully surveyed; and found 35 Families settled thereon, whereof severals were *bona fide*, Purchasers from other Proprietors about 30 Years ago, under mistaken later Appropriations interfering with the said Tract; and as to all those, except one, they have agreed with the Heirs of the Vendors to confirm the Heirs of the Purchasers; which one they are in hopes they shall in like Manner agree with; and as to the remaining People, settled without any Title, they offered the Refusal of either leasing or buying the Spots they were settled on, with Covenants to warrant and defend the Purchasers and Lessees against all Persons; and many of them treated with Mr. *Ogden* for that Purpose, and he thought they had agreed; but afterwards finding the People spirited up to depart from those Agreements, Mr. *Ogden*, in behalf of himself and Partners, wrote a Letter to them on the 22d of *December*, 1744, whereof N^o II. † is a Copy, and had six Copies of it delivered amongst them, with Request to communicate it to the rest. Afterwards, to wit. *January* 29th, 1744-5, the Partners agreed to write another Letter to them, whereof N^o III. ** annexed is a Copy, and whereof five Copies were

No. II. †

Newark, December 22. 1744.

SIR,
Having often attempted an Agreement with several of you, living on the Tract of Land at *Horseneck*, purchased by us James *Alexander*, Robert *Hunter Morris*, Esqrs. and *David Ogden*, and even after Proposals have been more than once consented to by many of you, the same have been afterwards denied, to our great Expence; and now are informed, that you dispute our having any Right to that Land; which lays us under the Necessity of having our Affairs settled with you out of hand; and in order thereto, make the following Proposals, First, either that each of you take a Lease from us, for one Year, without paying any Rent for your Farms, and then to deliver us the Possessions; 2d, Or that each of you take a Lease for three Years, commencing the first Day of *December* Instant, each paying the yearly Rent for his Farm, the Sum affixed to his Name in the first Column of the inclosed Paper; 3d, Or that you purchase from us, sufficient for a Farm or Plantation where each of you live, at the Rate likewise affixed for every Acre, to each of your Names in the second Column of the Writing inclosed.

As this Tract of Land has cost us a great Sum of Money, and the Interest thereof daily arising is very considerable, our full Purpose is, not to be trifled with any longer; therefore we expect a speedy Compliance, with some one of the above three Proposals; pray inform your Neighbours living on said Tract with this Letter, and also with the inclosed Writing; so that if any of them be put to Costs for their Non Compliance with some one of said Proposals, it may not arise from Want of Notice thereof, from

Your humble Servant, *David Ogden*,

To Mr. *Francis Spier*,
and others living on
the Society's Patent,
at *Horseneck*.

For James *Alexander*, Robert
Hunter Morris, Esqrs. and
himself.

No. III. **

Newark, Jan. 29, 1744-5.

Gentlemen,
ON the 22d of *December* last, we made three Proposals to you, to accept any one of them that any of you thought proper, to which Letter we refer; but as we limited no express Time for your Acceptance, we do hereby limit it to the fourth Tuesday of *March* next; and such as do not accept of one of the Proposals by that Day, or otherwise agree with Mr. *Ogden*, must excuse us, if after that Day we esteem ourselves as to such, no way obliged to comply with what's proposed.

But

were sent to so many of the most leading Men to show to the rest, two of which only were received, the other three being refused.

It's by a Letter of *March* 2d, 1744, from 5 Mr. Ogden, that his other then Partners say, they had the first Notice (that they remember) that the People pretended to hold by an Indian Title; from whom this Indian Title was, or when granted, no Information was had; but 10 that they were absolutely determined not to lease or buy, but to depend on some Indian Title: Whereon it was agreed, that Mr. Ogden should cause some of the most leading Men to be served with Declarations in Ejectment, at 15 the same Time acquainting them, that if they agreed to any of the Proposals of the Letter of *December* 22d, that the Partners would be at all the Costs of those Suits.

At or near the Day appointed by the Letter, 20 N^o III. Messieurs *John Low* and *John Condit*, met with the then Partners at *Perth-Amboy*, but brought no Council at Law with them, as by that Letter was desired; however the Partners showed them their Title, and told 25 them, they were ready to comply with either of the Proposals in the Letter of *December* 22d; which they refused to accept: And Messieurs *Alexander* and *Morris*, declare they remember not their proposing to join Issue in 30 any one or two particular Cases for a Tryal, in Consideration they might have Liberty of Appeal home for *England*; and they conceive the Proposal, if any such had been, would have been idle in it self, seeing they could not hinder 35 them to join Issue in what Causes they pleased to defend, nor could they debar or hinder them of an Appeal to *England*, if the Defendants thought proper to make it; and they say, they do not remember that those Gentlemen ask'd

But in the mean time, as we hear that the Cause of your not Acceptance of our Proposals, is some Doubts you are under about our having a good Title; and while those Doubts do remain, there's some Excuse for your Non-Compliance, provided you neglect not proper Opportunities for removing those Doubts.

We have already acquainted you what our Title was, and that we should give a Covenant of absolute Warrantee to whoever should lease or buy of us; but as we are sensible you may not yourselves be sufficient Judges of our Title, we hereby offer you an Opportunity of shewing it to any good Council at Law you shall think proper to employ to see it, and give you his or their Opinion upon it; and for that Purpose, do hereby promise to you, that if you'll employ any Council to view our Title at the next Supream Court at Perth-Amboy, we will lay it fairly before such Council on the Friday of the Court; we doubt not you know, that the Court begins the third Tuesday of March next.

Wherefore, we beg Leave to advise you to meet together, and to depute some of your Number, to go with what convenient Speed you can, to engage some learned Council in your Behalf, to be at Perth-Amboy, on the Day before appointed, to see our Title; if which Opportunity you do neglect of satisfying yourselves in this Matter, we hope neither you nor the World will blame us, if we take all the Steps the Law will allow us, to recover our Right, and to oblige you to pay the Costs of the Suits, and the Damages we suffer by being kept out of our Right. We are,

Your humble Servants,
David Ogden,
For Robert Hunter Morris;
James Alexander, and self.

of them to stay Proceeding in the other Ejectments; but if they had so ask'd them, it's more than probable that they refused to comply with that Request, as no Ejectment against one could any Way affect any other Person; and 5 to have consented to proceed against only one or two Persons at a Time, and when those were determined, to proceed against another one or two; while in the mean Time the Defendants were cutting and destroying their 10 Timber and Land at their Pleasure, they think would have been an unreasonable Demand, and would have been a Folly in them to have consented to.

They say, that having heard that an Indian 15 from *Navesinks*, had, a few Weeks before, been sent for and executed some Writings in Presence of the Committee, which they suspected to be Indian Deeds, they conceived it their Duty, to acquaint those Gentlemen with the 20 Danger of such Practices, by pointing out to them the fundamental Rule aforesaid, as to Indian Purchases, the Act of 1683, aforesaid, by which it was criminal to make such without Licence; and the Act of 1703, by which 25 they were void, and a Penalty of *Forty Shillings* for every Acre so bought; which they did accordingly out of the original Bill against some People of *Elizabeth Town*, filed with Mr. *Bartow*, Clerk, then laid before them, where 30 these Matters are set forth at large; and also produced to them the original Instructions to Lord *Lovelace*, (who was the second Governor of *New-Jersey* under the Crown) under the Seal of *Queen ANNE's* Privy Council of 35 *Great-Britain*, and her Royal Sign Manual, and that Part thereof, concerning Indian Purchases herein before mentioned; whereupon Mr. *John Low* declared, that he had not before looked on Indian Claims in the Light he 40 then did, and would acquaint the People in whose Behalf he came, with the Facts shown to him, and they could act as they should think fit, or to that Purpose; whether they were so acquainted or not, Mr. *Low*, and 45 those People best know.

Alexander and *Morris* say, that as all their Proposals were refused, they proceeded in the Ejectments brought before, and commenced sundry more; in every or any of which, the 50 Defendants might have joined Issue if they had pleased, and appealed to *England* if they went against them; nor was it in the Partners Power or Desire to hinder them from so doing; but no Defendants were enter'd to any one 55 Suit; so that Judgments were obtained against the casual Ejectors, and thereby none of the Possessors had one Penny of Costs or Charges of those Suits to pay, or of any other Suits whatsoever, to their Knowledge or Belief: 60 They

They say they are Strangers to any Treaties with those People afterwards, otherwise than by Information from Mr. Ogden, who differs far from them in the Account of them; but he was so far from doing any Thing to hinder them from transmitting their Affairs and Circumstances home to England, to lay them before his Majesty King GEORGE in Council, as they say they were designed to do, that upon the Committee's complaining of want of Money for that Purpose, he offered to lend them what Money they wanted for that Purpose, on the Bonds of the Committee, without any other Security; which Offer they refused to accept of. See Letter annexed, N^o IV. ††

N^o IV. ††

SIR,

Newark, March 3d, 1745.

I Expected my Agreement made with you in January last, for your and Chief Justice Morris's purchasing my Interest in Horse-Neck Lands, would entirely disengage me from any further Trouble relating to the same; but finding in a Paper, published in the New-York Weekly Post-Boy, No. 161, several Facts misrepresented; and such of them as concern me, I think it incumbent on my self to set in a true Light, for you and Mr. Morris to make such Use of as you shall think best; which are as follows:

That before either of the Riots at Newark, I met said Committee mentioned in said Post-Boy, and declared to them my Desire of having the Dispute, relating to the Title of the Tract of Land at Horse-neck, either agreed between the Parties concerned therein, or otherwise to have the same speedily determined, by proper Suits to be brought for that Purpose, and then told them, that the most proper Way, in my Opinion, was to have the Proposals and Answers for that Purpose, committed to Writing; and accordingly then delivered them several in Writing: On their reading the same, they asked me, if you, Mr. Morris and my self, would at any Time after the 18 Months, mentioned in said Proposals, be obliged to re-deliver the Possession of those Lands to the Indian Purchasers, in Case the Indian Purchases should be adjudged a good Title? To which I then answered, that our consenting thereto, without their limiting some Time, would be a perpetual Bar to our selling those Lands with Safety; for when once sold by us, and in Possession of others, it would be out of our Power to restore the Possessions thereof, and therefore desired them to fix a Time and they should have an Answer; which they never did: Said Committee then desired some Time for their Answer to said Proposals; and in about ten Days thereafter, one of them delivered me a verbal Message from said Committee, that they would not comply with said Proposals; and that without mentioning to me the Reason of their Refusal.

That soon afterwards I published to several of said Committee, and to some Hundreds more present, my Desire of having said Controversy determined; and that if they thought fit to have the Matters in Dispute carried home to England, for a Determination, I would, on said Committee's giving their Bond, lend them a sufficient Sum of Money for that Purpose.

That some short Time thereafter I met said Committee, and desired them, as the People's Dependence was on them, to fall on some speedy Measures to have the Dispute, as well relating to said Horse-Neck Purchase as other Indian Purchases, ended, so as the Minds of the People might be made easy.

That on said Committee's mentioning to me, the having one Trial at Law in this Province, and appealing from the Judgment given thereon here, to England, in order to have the Matters in Dispute ended; I told them, that Method would not in my Opinion, any Ways answer their Intent of having the Equity of the Cause, which they pleaded for, determined; for should there be a special Verdict, finding the several Facts arising in the Cause, the Judgment as well here as in England, would be only declaring the Law on those Facts, without entering into the Equity of the Cause; and should any Agreement be made by me for such Trial at Law, without acquainting them with the Nature of such an Action, they might after they had been at great Expence in such Suit, justly have blamed me for entering into such Agreement with them, without informing them with the Consequence thereof, which I then desired them to consider of: They never afterwards mentioned to me their Desire of having one or more Trials at Law; therefore, I concluded, that what I had said

They do declare, that tho' the said Families without Title, have committed great Waste of the Timber on the said Land, that they never threatned nor had Thoughts of bringing any one Action on the Act of 1713, of Twenty Shillings Penalty for each Tree; nor did they agree or intend to bring any one or more Actions of Trespas for the Damage, or mean Profits of the said Land, and Costs of the Suits of Ejectment, tho' it was lawful for them so to have done, and is usual in the like Case. The offering a Lease for a Year without any Rent (which was one of the three Proposals of December 22d, and the Offer renewed at the Meeting at Perth-Amboy) was in a Manner an Acquittal of those Things, and had they desired it they should have had Acquittances in Form.

As to the Action of Trespas against Baldwin, on which the first Riot was committed, it was not for trespassing on the said Tract, but upon a Tract adjoining to it, belonging to Infants, the Children of Richard Ashfield, deceased; and on which the said Baldwin made great Havock with his Saw Mill, of the best Timber thereon; and tho' forewarned, would not desist, but in Defiance continued so to

on this Matter convinced them, that such Suits would not determine the Equity of their Cause.

That at said last Meeting, I also desired and advised said Committee, to file a Bill in Chancery in this Province, for the Purpose aforesaid, informing them, that thereby they would have an Opportunity of setting forth their Claim; and every equitable Circumstance they could offer, which, with all the Evidence in the Cause, would be committed to Writing; so that if they or the other Party, thought themselves grieved, by a Decree given in that Court, either might by Appeal, carry all the Proceedings and Evidences given in the Cause to England, for a final Determination; and that they could obtain Writs of Injunction from the Court of Chancery, to stop our further Proceedings in all the Actions commenced at common Law, and prevent any other Actions being brought against the Possessors under that Claim, till said Cause in Chancery should be finally determined; and that the present Possessors would in the mean Time, be quieted in their Possessions. I did then also acquaint said Committee, that if they did not think proper to proceed, by a Trial in the Court of Chancery, then on those People living on said Horse Neck Lands, giving their Covenants, for paying the Half of the Value of the Rents of their several Plantations, farther Proceedings in the Actions brought against them, should be delayed for any reasonable Time, for the Trial of said Controversy, in such other Way they should think fit; which said Committee then refused.

I afterwards sent a Message to some of said Committee, that in Case they did not approve of the Method I advised them in filing a Bill in Chancery, to have said Controversy determined, and had rather have a Trial at Law in this Province, in order to carry the Matters in Dispute to England, by an Appeal from a Court of Law, on their naming the Person to me against whom they would have the Action brought, the same should be immediately commenced for that Purpose; which was never done, by said Committee, or any one else.

By which Facts, I hope, it will sufficiently appear, to every unprejudiced Person, that I have acted with all the Tenderness to those People, incumbent on one residing among them; and am still of Opinion, that the Advice I have from time to time given said Committee, would be best for them to pursue, in case they really intended to have the Merits of the above Controversy fairly determined, and am, Sir,

Your most humble Servant,

David Ogden.

To James Alexander, Esq;

to do, to the great Impoverishment of the same Land; and so he continues as well as other the Rioters to do, in making all the Waste and Havock they can of the Timber thereabouts, in hopes of Impunity from those Riots.

That they have been informed and believe, that at the first Riot there was no more than seven of the People of the said Tract of 13,500 Acres, and fewer at the last Riot; and that they verily believe, those People had no Thoughts of opposing their Title, or of committing any such Riots, till spirited up by some Men who have formed the daring Design aforesaid, of wresting from the General Proprietors both their Rents and Lands; and of setting up sham Deeds, procured from stroling Indians, in Place of the Title of the Crown of England; and the People of the 13,5000 Acre Tract, were so far from having any such Thoughts, that they gave their best Assistance in carrying the Chain, and in other Services, and the best Entertainment their Houses could afford, and the civilest Usage in their Power, during the Survey thereof, before mentioned.

And upon the Whole, we the Council of Proprietors conceive, its no Wonder that the Bait of the Seducers has been catch'd at by a Number of poor, weak and ignorant People, seeing it was covered with so great seeming Advantages, as for a few Bottles of Rum bestowed for Indian Deeds, to be not only discharged of Arrears of Quit-Rents, and to be clear of paying Rents for the future; but also instead of paying *Ten or Fifteen Shillings per Acre* to the Proprietors for Land, they can in this Method, have them for less than *Ten or Fifteen Pence per 100 Acres*: Animating Prospects indeed! But if they will with Coolness consider what they give up by snatching at the Bait; *their Allegiance and the publick Peace*; and that they expose themselves to the *Punishment due to Sedition, &c. &c.* It is hoped they will be sensible of the Danger they run, and act as all other good Subjects do, by making the *Laws* and not *Force* the Measure of their Rights.

From the printed Letter of Mr. Jenkins to the People Newark, there seemeth Reason to suspect, that neither he nor the other seduced People, have been acquainted with the fundamental Rule, Act of 1683, and Act of 1703; and Instructions concerning Indian Purchases shewn, to their Committee, as before mentioned, but have been blindly led on by a Position, THAT THE INDIANS WERE ONCE THE OWNERS OF THE SOIL; and therefrom they conclude, That those who have purchased, or got Deeds of their Right, must also be

Owners now; the Argument seems plausible and of Force, to those who are unacquainted with the preceeding Rule and Laws, and with the Nature of THE UNDENIABLE RIGHTS OF THE CROWN OF ENGLAND.

But suppose (for Argument Sake) the Position aforesaid to be true, yet, has not the Crown of England a Right to those void or uninhabited Countries, which are discovered by any of its Subjects? Has not the Crown of England a Right, to restrain its Subjects from treating with any Heathen Nation whatsoever? And has not the Crown of England, in Consequence of that Right, Power to grant the Liberty of treating with any Heathen Nation, to any one particular Person, exclusive of all others, and that upon such Terms as by the Crown may be thought proper? Has not the Crown of England at least granted that Right to the Proprietors, by Grants of New-Jersey under the Great Seal of England? Had not the Proprietors, by Virtue of those Grants, a Right to make the fundamental Rule before mentioned? Or rather, was not that fundamental Rule a Notification of what was the Right of the Proprietors antecedent to it? Had not the Legislature, in the Year 1683, the Right to declare the Breaches of that fundamental Rule to be criminal, and tending to Sedition? And is it not obvious from the two late Riots at Newark, that they (Sixty-two Years ago) foresaw the Consequences of the Breaches of that Rule? Had not the Legislature, in the Year 1703, the Right to declare all Indian Deeds obtained contrary to the said Rule to be void? And had not they a Right also to impose a Penalty of *Forty Shillings per Acre*, upon every Person who should break thro' that Rule? Had not the People of New-Jersey from the above Rights of the Crown, from the very Nature and Reason of Things, from the said fundamental Rule, and from the said two Acts of Assembly, sufficient Notice, that the Proprietors had the sole Right of making Purchases from the Indians as they should see Occasion? Could any other Person's making Purchases, in Defiance of the said Rights of the Crown, Rule and Laws, intitle the Purchaser to any Thing further, than to the Punishment of Sedition prescribed by the Act of 1683, and to be subject to *Forty Shillings per Acre* Penalty by the Act of 1703? And had not the Legislature in the Year 1713, a Right to impose a Penalty of *Twenty Shillings* for every Tree that any Man should cut on Lands not his legal Property? And are not all those Laws now in Force? If not, what has taken away the Force of any one of them?

Suppose 60

Suppose again (for Argument Sake) that there had been no such Rule nor Acts of Assembly as before, yet if the Crown of *England* and its Assigns, have the sole and exclusive Right of treating with the Heathen concerning Lands; is it not an Usurpation of the Right of the Crown, for any other Man even so much as to treat with them on that Head? And doth not an Usurpation of the Right of the Crown in its Nature approach to High Treason?

To pretend to hold Lands by an Indian Deed only, is not that declaring the Indian Grantor to be the Superior Lord of that Land, and disowning the Crown of *England* to be so? And is not that an Overt Act of withdrawing the Allegiance due to the Crown of *England*? (from which all Lands within its Dominions must be held mediately or immediately) Or is it not an Overt Act or Endeavour, to establish the Dominion of the Indian from whom the Tenure is, and to destroy the Dominion of the Crown of *England* in this Province? And do not those Overt Acts or Endeavours in their Nature approach to High Treason?

If the Facts of barely treating for, or procuring an Indian Deed without the Right of the Crown of *England* so to do, be in their Nature approaching to the Crime of High Treason, what must be the Pretence of holding Lands by them only? -- The assembling of Multitudes in a riotous Manner to defend such Pretence? -- The obstructing with those Multitudes the due Course of the Law? -- The taking from the King's Officer, the Sheriff of the County, the Possession of his Majesty's Prison? -- The breaking open his Majesty's Prison, and rescuing the Prisoners there lawfully committed, &c. &c? And what must the publick avowing of all those Things in Print, by the *Post-Boy* of February 17th, and Mr. *Jenkins's* Letter be?

These are Questions, that had the Seducers been honest Men, they would have considered, *first*, how they could have answered them themselves? And if they could answer them to their own Satisfaction, without withdrawing their Allegiance from the Crown of *England*; then, *secondly*, they ought to have acquainted the People with them and with their Answers, and ought not to have blindly led a poor ignorant People in the Dark, into the Crimes they have committed against those Laws and the King's Peace, and all this thro' the SILLY POSITION aforesaid, FALSE IN IT SELF, as the Indians had no Notion of Property in Lands more than in Air, until the Christians came amongst them (except in the small Spots on which they planted their Indian Corn, and those Spots did not occupy so much as one Acre of a Thousand Acres; so that the remaining 999 Acres might properly be said to be void and uninhabited, and in the Power of the Crown absolutely to grant; and except as to Hunting.)

And as by what we have now published, Mr. *Jenkins*, and other the People seduced, will be acquainted with what, we apprehend, has been kept hid from them by the Seducers; we hope they will be sensible of the Crimes they have committed or countenanced, and abhor them and the Seducers; will burn their Indian Deeds, that they have lately got for some Bottles of Rum, that they rise not in Judgment against them, to subject them to the Punishments and Penalties of the Laws, and flie to the Mercy of the Laws, for the Expiation of their criminal Riots, and to the Mercy of the Owners of the Lands they have been pillaging and wasting, to make them what Amends is in their Power for so doing.

By Order of the Council of Proprietors of East New-Jersey.

LAUR. SMYTH, Clerk.



Reprinted from the *New-York Weekly Post-Boy*, of May 19, 1746. NUMB. 741

Mr. Nevill's Speech to the House of Representatives of the Colony of New-Jersey, on the Second Reading of the Petition, from a Number of Persons, styling themselves Inhabitants chiefly of the Northern Part of the Province of New-Jersey, on Saturday the 26th of April, 1746.

Mr. Speaker,

I LOOK upon the Petition now read, as a scandalous, false, abusive and inveterate Libel, upon a Set of Gentlemen who are more immediately under the Protection of his Majesty, as will appear by the Instructions given by the Crown, to the several Governors of this Colony, ever since the Surrender of the Government; I mean, Sir, the Proprietors of East New-Jersey, who are by the Petitioners traduced as guilty of Unjust Molestation, Virulent Oppression, Pretenders to Propriety, Invaders of the Rights and Properties of the People, and Encroachers upon the Heathen and Indian Natives, and True Proprietors of the Lands, under whom the Petitioners claim their Titles and Rights to their Possessions; and thereby deny the Right and Property of these Parts of the English Dominions to be vested in his Majesty, and charging the Crown of England with a Royal Fraud, and as guilty of the greatest Injustice; for the Proprietors cannot come under these opprobrious Denominations, they having honestly paid for the Lands which they claim Title to, and fairly obtained good and sufficient Conveyances for the same from the Crown, as manifestly appears by the Records of this Province. How this Honourable House will treat this Bold Attempt upon the Prerogative of the Crown, by calling in Question his Majesty's Right and Title to the Soil of New-Jersey, who is the Proprietors immediate Warrantor and Defender, I must submit; and shall now only beg Leave (in Behalf of those injured Gentlemen, the Proprietors) to answer the said libellous Petition, Paragraph by Paragraph. The Petition begins thus.

We, our Ancestors, Predecessors, &c. having (as we suppose) made a full and just Purchase of sundry Tracts of Land (situate in this Province) of the Heathen Native Proprietors and Owners thereof, and of and from them obtained Good and Lawful Grants or Deeds of Conveyance of the same, some of which Lands having been possessed by our Fathers and us some Scores of Years, we thought our Rights and Properties secure from Invasion, &c.

This, Mr. Speaker, I conceive is a Notorious Libel upon the Crown of England; for if the Purchases and Conveyances made and obtained by the Petitioners be Full and Just, Good and Lawful; then consequently the Purchases and Conveyances made and obtained by the Proprietors from the Crown of England, must be Void and Unjust, Bad and Unlawful, and of Course a ROYAL FRAUD. But that the Crown fully intended to make good their Right and Title to the Lands of New-Jersey, and to confirm them to the Proprietors, (to whom they had conveyed them) plainly appears by the Instructions given by Queen Anne, to the Lord Cornbury, the first Governor of New-Jersey, after the Surrender of this Government to the Crown. And this Set of Instructions, Sir, agreed on at that Time to be granted by the Crown as their Concessions to the People, may be justly deemed the Magna Charta or Great Charter of the Colony of New-Jersey; and to break through any of them, I esteem as an Infringement upon the Liberties and Properties of the People here; they being founded upon the Royal Word or Grant, and being Part of the Condition of the Surrender of the Government. I shall beg Leave, Sir, to read that Part of the Instructions relating to the Proprietors. [See the Substance in the Proprietors Publication, pag. 3, Column 1, Line 12 to 56]

These Instructions, Sir, have always been continued to the several succeeding Governors, and I doubt not are continued to His Excellency our present Governor to this Day; and were also recommended by His Excellency the Lord Cornbury to the first Assembly of this Colony after the said Surrender, in his first Speech to them, which I beg leave to read from the Minute Book of the said Assembly, now lying upon the Table, in the following Words, viz.

I am likewise commanded to recommend to your Care the preparing one or more Bill or Bills, whereby the Right and Property of the General Proprietors to the Soil of this Province may be confirmed to them, according to their respective Titles, together with all Quit-Rents, and all other Privileges as are expressed in the Conveyances made by the Duke of York; except only the Right of Government, which remains in the Queen.

In Consequence of which Recommendation, the first Act that appears in the printed Laws of this Colony, and the first and only Law that pass'd here in that first Assembly after the Surrender as aforesaid, related to Indian Purchases; which I crave leave to read from the printed Book, it is entitled, &c. [See printed Book of Laws, Page 1. Chap. 1.] *

* The Substance of it is in the Publication of the Council of Proprietors of East Jersey, of March 25th, 1746, Page 3, Column 2, Line 13 to 29.

N. B. The Publication referred to in this Speech, is that Edition of it printed by itself, consisting of 11 Pages in folio.—The same Publication was reprinted in each of the three New-York News-Papers, divided into four Parts. The first Part, printed in the News-Papers of April 7th, 1746, contains the first three Pages of the separate Edition, here referred to.—The second Part, printed in Papers of April 14th, contains from beginning of pag. 4, to pag. 7, Col. 1, Line 31.—The third Part, printed in Papers of April 21st, contains from pag. 7, Col. 1, Line 30, to pag. 10, Col. 1, Line 49.—The fourth Part, printed in Papers of April 28th, contains from the third to the End.—By the Help of this Note, any one, who has only one of the Editions in the News-Papers, may nearly find the Places there corresponding to the separate Edition here referred to.

Now, Sir, by the Petitioners own Words it plainly appears, they have only Indian Purchases, which (by the Act of Assembly now read) are absolutely void. And as a farther Demonstration of the Illegality of the Indian Purchases, I desire to read some Abstracts from the Proprietors Publication. [See Proprietors Publication, P. 2, C. 2, L. 1 to L. 9; D^o L. 17 to L. 25; D^o L. 29, to P. 3, C. 1, L. 5; D^o C. 2, L. 13 to 29.]

This, I think, Sir, is a full Answer to that Part of the Petition; for by the Concessions and fundamental Constitutions, and by the Laws of the Province, these Purchases are VOID. The Petitioners go on thus;

And whereas divers Persons, pretending Propriety in the said Lands, have, in the late Years past, given us great Uneasiness, by surveying great Part of our purchased Lands, with many Improvements and Settlements, selling some, and offering the rest to Sale, serving sundry Ejectments on the long possessed, as aforesaid, and threatening to dispossess all the rest, who would not either purchase their Lands of them (at a very dear Rate too) or become their Tenants, &c.

As to this Part, Sir, I say, that the Indian Purchase being Void (as before observed) they can have no lawful Pretensions to these Lands; and by what has been already read, I leave it to the Honourable House to judge, whether the Proprietors have not an undoubted Title to the same, and a Right to survey those Lands, and to bring Ejectments, or any other Suits, against such as wilfully withhold the Possession from them, and to make Sale of the said Lands at their Pleasure. But to go on with the Petition:

And withal to bring a Resurvey upon all the Lands, even such as were of themselves bought or patented, &c.

I beg leave to say, Mr. Speaker, That these poor ignorant People have been very much imposed upon by some designing Persons: For this Part of the Petition is an absolute and wicked Falshood; tending only to disquiet and terrify the People, and to amuse this Honourable House, by endeavouring to prepossess them in Favour of their unjust and illegal Proceedings. For I have for many Years past, Sir, sat with the Council of Proprietors of East New-Jersey, have examined all the Minutes from the Year Eighty-five (being their first Meeting in these Parts) to this present Time, and have never met with any Motion, or the least Hint of that Kind in their Minutes, or in their Books of Record; nor have I ever heard any of the present Council of Proprietors make mention of any such Thing, but on the contrary, when they have heard of such base Stories being spread abroad, they have all declared their Detestation of any such Practice. The Petitioners say further:

And make all Persons who have Patents; &c. pay unto them Quit-Rents, contrary to the True Meaning and Intent of the same, &c.

This is both False and Ridiculous in itself: Can it be supposed the Proprietors would be so foolish as to demand Quit-Rents where there are none due by the Patents? And where the Grantees hold their Land by no other Service but paying such Rents as are specify'd in their Patents, have not the Proprietors a Right to demand them? Can a Person renting a Farm a Hundred Years upon Lease, condition'd for the Payment of such an annual Rent as is specify'd in his said Lease, justly say he is injured, if his Landlord permits him to make use of his Rent Money for Fifty Years without demanding it? Or has the Tenant any Right to refuse the Payment of it when demanded? Or to claim the Farm as his own without any Acknowledgment, because of such an Indulgence? But to proceed.

And moreover to load them with Multiplicities of Law Suits (which as Experience shews) exposes, especially Men of quiet Minds, to exorbitant Expence and Costs as well as Fatigues, &c. By which Acts and Threats as aforesaid, which we imagine to be Unjust Molestation and even Virulent Oppression, &c.

The Proprietors in general have brought no Suits against these Men, nor threatened any: Two of that Board, viz. Mr. Alexander and Mr. Morris have brought Suits against some of them; their Reasons they set forth in the said Proprietors Publication, from P. 7, C. 1, L. 31, to P. 10, C. 1, L. 26, to which (as every Member hath been presented with one of the said Answers) for Brevity Sake, I refer.

By that their Answer, Mr. Speaker, the House may see, that these Gentlemen have acted fairly and candidly by these People, have put them to no exorbitant Expence and Costs, as they alledge, nor even to one Farthing Expence: And it is well known, that in Cases of Ejectment, when no Defence is made, no Costs can be recovered; and if a Title is defended, and no Right appears in the Defendant, is it not reasonable he should pay the Costs? However, let us hear further.

We were animated to seek the Transmission of our Affairs and Circumstances (relating to our Invaded Rights and Properties) Home to England, and lay them before the King in Council, hoping in such a due and regular Way and Manner of Procedure, and to have our justly purchased (as we suppose) and possessed Lands and Inheritances to us warranted, secured, and defended by the Laws and Liberties of our Nation: To which End and Purpose, we chose a Committee to act for us, &c. who have endeavoured (maugre all the Projections of the adverse Party) to cause a Supplication in that Affair, &c.

By those Gentlemen's Reasons, Sir, set forth in the Proprietors Publication, before mentioned, it plainly appears, that they were so far from hindering these People from transmitting their Circumstances home to

England,

Note also, That a Copy of that Edition of the Publication referred to, was delivered to each Member of the Assembly of New Jersey, on the 9th of April, 1746.

England, or causing a Supercession (as they term it) in that Affair that Mr. Ogden offer'd them fair Proposals for that Purpose, nay even to lend them Money, to defray the whole Charge of it. The Petitioners further say,

The Prosecution of our Design to Effect, though by slow, yet we hope by Regular and Sure Steps, &c.

I must confess, Mr. Speaker, that I know not what these Gentlemen mean by REGULAR and SURE STEPS, unless it be by a CLUB LAW, (which is now become a By-Word, and is too much encouraged by inconsiderate People) and that is a Sure Step indeed, to try a Man's Property by Knocking out his Brains! Or unless it be by Flying in the Face of the King's Authority, Breaking Goal, and Terrifying and Abusing the Officers and Magistrates, who endeavoured to put the Laws in Execution: And these are such REGULAR and SURE STEPS, which must certainly end in the Destruction both of the Constitution and the Colony; and which, I am sure, this Honourable House will never countenance. The next is a very modest Paragraph, I must confess, especially considering the Petitioners are suing for the King's Mercy!

It is humbly confessed and declared, the Oppressions and Fraudulent Dealings we have met withall, from and by the Proprietors so called, their Threatnings, commencing of Suits, and carrying on such Prosecutions against us, on such Pretences as theirs is, and under such Circumstances as ours are, is the only Ground of that Exasperation, which hath been in this Part of the Country generally, and hath occasioned the late Stirs among us, particularly at Newark, &c.

This, Sir, is certainly an Original in it self, and deserves a more particular Remark! What do the Petitioners mean by the Proprietors so called? If they deny the King's Supremacy here! If they deny his Right and Title to the Lands of New Jersey! If they deny the Holding of Lands in this Colony by the Laws of England to be Good! And so consequently deny their Dependence upon the Crown of England for their Properties! Then are the Proprietors Pretenders, and may be stiled the Proprietors so called: Property carries no double Face, Sir, it is either Property or Not Property; and the Dispute now is, whether the Property in the Soil of this Colony is vested in the Crown of England, or in the Indian Natives? A dangerous Dispute to be disputed, Mr. Speaker! Again; Carrying on such Prosecutions against us on such Pretences as theirs is, and under such Circumstances as ours are: On such Pretences AS THEIRS IS, that is, an absolute Conveyance of all the Lands in New-Jersey, both mediately and immediately from the Crown of England to the Proprietors and their Heirs and Assigns forever. AND UNDER SUCH CIRCUMSTANCES AS OURS ARE, That is, a Multitude of People, treading upon the very Heels of Rebellion, if not actually engaged in it, (as is the Opinion of the King's Attorney General) and setting up the Heathen Indians as true Owners of the Soil, under whom they claim, and so of Course their Lords Paramount; and this, Sir, they urge as the only Ground of that Exasperation which hath been in this Part of the Country generally, and hath occasioned the late Stirs among them, particularly at Newark. A very plausible Excuse truly, and worthy the Consideration of this Honourable House! In short, I pity the Ignorance of the poor deluded People! They seem to be in a Maze. And endeavouring to find the Way out, they plunge themselves further in, by signing these Petitions: But I think, Sir, the Draftsman (be who he will) is without Excuse; First, for craftily advancing such traitorous and Seditious Tenets to this Honourable House, in Hopes to have them countenanced here; and, secondly, from behind the Courtain, drawing these poor People into his pernicious Principles, and dangerous Measures, by inducing them to sign these Petitions. As to that Part of the Charge, viz. *The Oppressions and Fraudulent Dealings they have met withall from and by the Proprietors so called;* I refer you to the Proprietors Publication already mentioned, P. 4, 5, 6, to L. 30, which I think a full and sufficient Answer. I shall now go on with the Petition.

For sure it is, should we attempt to enter and engage our Opponents in the Law here, who sees not the Difficulties attending our making a legal Defence, where the Interest in general is on their Side, rendering the Case so difficult with us and on our Side, That we cannot think any Cause between us and the Proprietors so called, can have a fair and impartial Hearing and Determination, unless we suppose Men in their own Cause will act uprightly, against their own Interest, which both the Law of Nature and of the Nation rejects, as a Matter not to be depended upon, &c.

This, Sir, is a heavy Charge indeed! Laid upon the whole Body of the People; Governor and Governed! Judges and Juries! All Tainted or Corrupted! But by the Laws of England no Judge can sit upon his own Cause; and the Chief Justice (being concerned in Interest) cannot sit upon these Trials: Yet what should hinder a fair Trial before Mr. Justice Allen? Or even before Mr. Justice Bonnel? For if the latter is concerned in Interest, it is certainly on the Petitioners Side of the Question. I was myself in Court, Mr. Speaker, last March was Twelvemonth at Amboy, when the Chief Justice absolutely refused to sit, even whilst the Common Rules were made upon these very Ejectments; and Judge Bonnel being sick at that Time, an Express was sent for Judge Allen, who came from Burlington to Perth-Amboy, only to sit alone in Court whilst the said Rules were enter'd. So cautious was that Gentleman, the Chief Justice, of leaving the least Room for Reflection that Way! And is it not both unfair and unjust for the Petitioners to suggest, that the Chief Justice would sit as a Judge in his own Cause; and therefore they could not have a fair and impartial Hearing and Determination? But we are highly obliged to the Petitioners for the great Compliment paid to us in the next Paragraph!

For which Reason we humbly and earnestly beg (having our Eyes to the Legislative Powers, from and by whom our Rights, Properties, and Privileges, have their Rise and Support, &c.

This Petition, Mr. Speaker, cannot have its Spring from those poor deluded People; some crafty subtle Incendiaries must be at the Bottom of it; for this Parenthesis attributing to the Legislative Powers (which must be to the Legislative Powers to whom this Petition is directed) I say attributing to the Legislative Powers here, the Rise and Support of their Rights, Properties and Privileges, is absolutely denying that they have any other Source, Foundation, or Rise and Support, and consequently denying their Dependence upon the Crown of England, for their Properties, under which all our Lands, by the Laws of England, must mediately or immediately be held: And should this Attribute conferred on us by the Petitioners, be passed over in Silence by this House (and thereby made their own) I leave it to their serious Consideration, whether it may not be esteemed elsewhere a Consent to that Attribute, which I am far from thinking this House aim at; and whether it may not be incumbent on us to demonstrate so to the World, in the most exprels and explicit Manner, I humbly submit. To go on;

That Way may be made for our Relief here, or Liberty of Application, by our Committee or their Substitutes, to the Head and Fountain of Justice, in order to seek the Redress of our Wrongs and Injuries we have already received and prevent the like for the future, &c.

As to this, Mr. Speaker, Mr. Ogden's Letter in the Proprietors Publication, before mentioned, shews clearly, that the Petitioners have been no Ways hindered from applying to his Majesty, in such Manner as they thought fit: Nay, so far from hindering, that the best Advice that could be given, was given to them by Mr. Ogden, (as they themselves will find, when they advise with any good Lawyer.) And why have they not now, in near a Year and a Half, since these Men were animated against the Proprietors Title, I say, why have they not in that Time applied to his Majesty? And why they did reject all the Assistance offered them for that Purpose, they best know; but I think, that Delay shews, that that Application is a meer Pretence. The Petitioners further pray thus,

And in the mean Time, that all our past Misconduct, if such, and intemperate Zeal we have any of us been guilty of, may pass away under an Act of Indemnity, &c.

I shall be far, Sir, from opposing a Pardon to the Petitioners, but shall rather promote it, and heartily wish it may (if obtained) have the good Effect to reduce them to their Duty and Allegiance to his Majesty for the future, which they have certainly (tho' many of them, I believe, ignorantly) violated; but I wish they had shewn themselves to have been more deserving of it, by a Sense of, and Sorrow for the Crimes they have been guilty of. And indeed I am sorry to find them to betray their Ignorance so much, to this Honourable House, as to question, Whether appearing in Arms; terrifying the King's Subjects; breaking open Goal, and rescuing the Prisoners legally committed by the Governor's Warrant; assaulting and resisting the Sheriff and his Assistants, in the legal Execution of his Office, and beating and wounding them; I say, Sir, I am sorry to find them so ignorant, as to question whether this be a Misconduct or not. The Petition goes on;

And may all Writs and Processes against any of us, relating to our Liberties and Properties, have a Cessation, at least until such Time as his Majesty's Pleasure may and can be known concerning them, &c.

As to this, Sir, his Majesty's Pleasure is already known, to wit. That his Courts of Justice (both of Law and Equity) should be open for every one of his Subjects to have Recourse to; and its the Right of the Subject that it should be so. *Nullo negabimus, Nullo deferemus, Justitiam non Reſtatur; We will deny to no one, We will delay to no one, Justice or Right,* is what the King is sworn to; and that Oath he keeps by keeping his Courts open: Nor can the King himself do what the Petitioners pray this House to do, to stay the Proceedings of his Court. If a Title be just and equitable (tho' not legal) there has the King appointed his Courts of Equity to be apply'd to, to stop Proceedings in Law, till the Equity of the Cause be determined; but that the King himself ever stoppt the Course of the Courts of Law, I believe no Instance can be assigned, since MAGNACHARTA, and if it could be, it would be only proving that King to have broke thro' his Coronation Oath. The Petition concludes thus;

And may it please the Honourable House, that this our Petition be laid before his Excellency in Council. And your Petitioners as in Duty bound shall ever pray.

This, Sir, I shall observe upon, in my Answer to the next Petition, because that concludes much in the same Manner.

I have only now further to observe, that five of the Names signed to this Petition, are the same with those who stand indicted by the Grand Jury of Essex County, for breaking open Goal, and committing a very great Riot in the Town of Newark, and against whom the Governor's Warrant was issued; and above thirty more of the Names signed to this Petition, are the same with those recorded as Rioters, by the Magistrates of the County of Essex, as being aiding and assisting in the second Riot at Newark, when the King's Goal was again broke open, and the Rioters apprehended, by Virtue of the Governor's Warrant, rescued, and the Sheriff, Magistrates, Officers, and those assisting them in putting the Laws in Execution, beat and abused; and these very Fellows are either fled, or are screened from Justice by these Petitioners. Therefore what Encouragement, Sir, this Petition ought to receive from this Honourable House, I must submit.

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Mr. Nevill's Speech to the House of Representatives of the Colony of New-Jersey, upon the Second Reading of the Petition from the Rioters Committee, &c. on Saturday the 26th of April, 1746.

Mr. Speaker,

I MUST confess these Petitioners appear with a little more Modesty; this Petition is not so abusive and reflecting as the former; perhaps the Draftsman (for I verily believe them to be done by one and the same Hand) considering these Gentlemen as a Committee or Superintendants over the Rest, confined himself the more within the Bounds of Decency and good Manners; but nevertheless this Petition is a little tinged with Sedition, as I shall shew by and by; and there are also many Absurdities and Untruths contained in it, as I hope I shall be able to make appear plainly to this Honourable House, by my Answer to the same, which I shall without more Delay enter upon as before, Paragraph by Paragraph. The Petition begins Historically, viz.

That his Majesty King Charles the Second, did, in the Sixteenth Year of his Reign, March 12th, grant to his Royal Highness James Duke of York, all that Part of the Country in North America, situate even from Nova Scotia Eastwards unto Delaware River, &c. with power to govern and rule the Inhabitants thereof, by himself, or such Deputy Commissioners or Officers as he should appoint for that Purpose. His Royal Highness, by Commission to Richard Nicholls, Esq; (April 2d following) constituted him his Deputy Governor, to execute (within the above granted Territories) all the Powers granted to himself, &c.

Situate even from Nova Scotia Eastwards unto Delaware River, &c. These Bounds, Sir, (by the Petitioners described) of the Grant to the Duke of York, shew, That they either recite Facts upon Hearsay, or do falsely recite them; for were the Bounds so as they say, then would the Colonies of Massachusetts or Boston, Rhode Island and Connecticut be included in that Grant; but the Fact is not so: For the Truth is, That a Tract of Land, called *Pemiquid*, bounding on Nova Scotia, is thereby granted, then Long-Island, then all the Land from Connecticut River to Delaware River. But to go on;

Said Nicholls (Anno 1664) issued Proclamation, &c. setting forth, That the Lands should be purchased of the Indians, and that no Purchaser should contract for himself without Consent of his Associates, or Grant from the Governor: That the Purchasers should be free from Assessments or Rates five Years, and then should only be liable to the publick Rates, &c. according to the Custom of other new Planters and Settlers: And that all Lands so purchased and possessed, should be the Purchasers and their Heirs, to dispose of as they pleased, &c.

This Proclamation, Sir, I never saw, nor heard of before; and if any such was, I make no doubt (if they'll produce it) it will appear to be no less falsely recited than the King's Grant to the Duke of York: But what Relation those two Things have to New-Jersey, I cannot see; nor has the Petition told any Use they were to make of them: They clearly shew either the Falseness or Injudiciousness of the Drawer of the Petition. However to proceed.

That his Royal Highness gave to Lord Barclay and Sir George Carteret the Province or Colony of New-Jersey so called, with Power of Governance, which caused a Succession in the Commission and Powers aforesaid. Lord Barclay and Sir George Carteret, by Virtue of the Power invested in them, constituted Philip Carteret their Governor, who, (Anno 1666) granted Licence to sundry Persons by Name and Company (under which your Petitioners claim) under his Hand and Seal, to purchase from the Indians within this Government, what Quantity of Land they should think convenient, Beginning by the Bay, &c. and thence Westward, or in any other Places in the Province. Pursuant to which your Petitioners Ancestors made several Purchases, by and with the Advice and Consent of said Governor Carteret, as is in the said Deeds or Grants asserted; the which were taken and acknowledged before him; the Testimony whereof he has left under his own Hand, &c.

What Licence this is, Mr. Speaker, and to whom granted, I am at a Loss to know, from any thing in the Petition, seeing its not expressed, nor do they offer to shew this Licence, if any such was, nor tell us where it is recorded: But if any such ever was, I think I can be bold to say, it's falsely recited; because I am well informed there are many Licences upon Record from Governor Carteret to purchase of the Indians, and that they all refer to the Concessions of the Proprietors expressly, that the Persons shall comply with all the Directions thereof: And I think I dare safely challenge the Petitioners to produce any Licence from him to purchase, without such Reference to the Concessions; and if any such Licence be, and it has such Reference, I submit to this House how different a Light it will appear in from what by this Petition it is represented: For tho' they had made purchase from the Indians, it plainly appears from the Concessions, That that was not to be their Title; but their Title was to consist of a Warrant, Survey, and Patent, at a Half-penny Sterling per Acre; and in the Second Concessions, in 1672, and Third Concessions, in 1674, it's expressly forbidden, That Indian Deeds should be taken in any other Name than the Proprietors. ‡ The Petition proceeds thus:

‡ Copy of one of Governor Carteret's Licences to purchase of the Indians; as recorded in Lib. 1, Fol. 9.

WHEREAS Mr. Isaac Tenna, alias *La pierre*, hath requested my Leave, for the purchasing of a certain Tract of Land from the

As the Inhabitants increased, &c. our Ancestors their Associates, and some of us, were constrained to make further Compositions with the Indians, about their Lands, who (as they were the Native Owners, true Proprietors, and Possessors of the same) would not permit either Survey or Settlement thereon, without a precedent Purchase made thereof, &c. Accordingly, (the Right to Purchase being vested in our Ancestors and us) sundry Purchases have been made of the Natives, &c. by those under whom we claim, and by some of our selves; as per sundry Grants or Deeds duly executed from March, 1678, to March, 1703, for sundry Tracts of Land, situate in the County of Essex, viz. about Newark, and West of the Mountains, unto Passaic River, and in the adjacent Parts and Places within this Colony, as namely Acquack, so called, Whipponung and Pesiponung, &c. may appear: All which Lands have been by us, our Associates or Ancestors, fairly purchased; and a great Part of them planted, settled and improved, for which we have paid Rates and Taxes, as an Acknowledgement to the Crown, &c. The which your Petitioners look upon as a just Foundation of a Title to them, against those especially, who have not been at any Expence in purchasing, &c.

If the Petitioners Ancestors, Sir, had a Licence to purchase, and that Licence had a Reference to the Concessions, as before; yet, as the Concessions directed what should be the Title, viz. Warrant, Survey and Patent, and directed all Indian Deeds to be in the Proprietors Name; and as the Act of Assembly, of 1683, made it criminal to take such Deeds in any other Name than the Proprietors, how can they say that those Lands have been fairly purchased by their Ancestors, from March 1678, to March 1703? For if fairly purchased, by Licence, pursuant to the Concessions, the Deeds are in the Proprietors Names; if not so, and since 1683, they not only are not fairly purchased, but Criminally; and if fairly purchased, yet no Title (according to the Concessions) could they have, without Warrant, Survey and Patent, at a Half-penny Ster. per Acre, as the Concessions direct. And I make no doubt, but that great Numbers of the Ancestors of the Subscribers to the first Petition, have Warrants, Surveys and Patents, for all the Lands that they were intitled to by the Concessions; and if they had them not, it was their own Fault. These Petitioners say further,

And since it appears, both by the Law of Nature and Nations, that the Indian Natives had a Right to and in the aforesaid Lands, and could not justly be deprived of them, without a voluntary Agreement to part with them; and seeing Purchases of them must necessarily be made, in order to vest the Fee and Soil in the Crown, consonant unto the Practice of even all his Majesty's Subjects (or the most of them) in these Parts of his Dominions, the which is manifest by the Directions given by his Majesty, and Licences granted by his Governors unto this End: And who sees not (saying only such of whom it may be said that the Dust of earthly Profits has put out their Eyes) how directly and necessarily it will follow, That those of his Majesty's Liege Subjects, who have duly made such Purchases, may truly be accounted and acknowledged the lawful Owners and Proprietors of the Land so purchased. Hence therefore we having made the Purchases, Settlements and Improvements, and paid all due Acknowledgements as aforesaid, even for some Scores of Years, &c. do humbly conceive ourselves justly intitled to the quiet and peaceable Possessions and Enjoyment thereof; the Claims and Pretences of our Adversaries notwithstanding, &c.

Upon this, Sir, I shall beg Leave to read so much of the Proprietors Publication as is upon this Head, viz. P. 10, C. 1, L. 49, to the End: and P. 6, C. 2, L. 5, to 50. To go on with the Petition:

And consequently the commencing of Suits, and carrying on such Prosecutions by our Adversaries, on their Pretences, and under our Circumstances, your Petitioners humbly conceive must be looked upon as unjust, illegal and oppressive. But so it is; (not to mention the Circumstances of this Colony, and the Officers thereof, many of whom appear our Opponents, as being on the other Side of the Question) notwithstanding the Justice and Equity of our Right and Claim, and the unjust and unwarrantable Pretence of the contrary Party, divers Persons, seeking to make Gain of our Improvements, as well as Lands, claiming

Indians, on the East Side of Delaware River, within this Government, with an Intent to inhabit and plant the same; These are therefore to permit and suffer the said Isaac to purchase the said Tract of Land from the Indians,---Upon Condition, that he truly perform all such Acts and Things, as are contained in the Lords Proprietors Concessions, and to be conformable and obedient to the Laws of this Province. Given under my Hand and Seal of the Province, the 24th June, 1666.

PHILIP CARTERET.

1666, Nov. 4th, to Eliakim Wardell, and Associates a Like Lib 3, Fol. 10.
1666, November 15th, to Peter Alricks a like, Lib. 1, Fol. 6.
1668, June 25th, to Peter Jegow a like, Lib. 1, Fol. 21.
1668, September 10th, to Lucas Peterse a like, Lib. 1, Fol. 21.
1668, September 10th, to Jan Janlen a like, Lib. 1, Fol. 22.
1669, April 3d, to Michael Barron a like, Lib. 1, Fol. 33.
1671, November 8th, to Israel Helme a like, Lib. 1, o. e. Fol. 27.
1672, December 7th, in second Concessions, Rule that all Lands be purchased of the Indians by the Governor and Council, in the Name of the Lords Proprietors. Lib. 3, 63.
1674, July 31st in third Concessions, the like Rule repeated. Lib. 3, 96.

claiming by mean Conveyances from the said Duke of York, without so much and confirming to us, that which has been, and now is, or should be, the as a Pretence of any Purchase having been by them (or any others for them) undoubted Right and Privilege of every true English Subject, under Oppressions made, or Grants obtained of or from the Native Owners and Proprietors, have commenced Multiplicities of Suits against many of us for Recovery of our Possessions and Monies, whereby they have obtained some Possessions and more Judgments; the Consequence of which is, and will be, (unless a Way may be found and taken for our Redress) the Depriving us of our Lands and Livings, which we have spent our Strength and Substance upon, and burdening us with heavy Costs, Charges and Expences, to the Subversion and Destruction of our Families, with respect to the Comforts of this Life: And in Addition to all this, threaten us further, unless we comply with their Terms, which are (in our Apprehension) extremely severe, &c.

In speaking to the other Petition, Mr. Speaker, I have said, That the General Proprietors are not privy to the Suits complained of; and as to the Suits of two Persons who are Proprietors, I then referred to their Answers on that Head, which I think are very sufficient to shew they have been both kind and candid in all their Transactions with those People, and done nothing illegal, unjust, or oppressive; if they have, it will lie on the Petitioners, to point it out: For the Using the due Course of the Law to obtain what one believes is his Right, tho' it should even not prove so, I believe was never till now deemed Illegal, Unjust or Oppressive. As to burdening them with heavy Costs, Charges and Expences; by those two Gentlemen's Answers it appears, they have not been as yet put to One Penny Costs, nor had they (as I believe) Thoughts of doing it. How far those People's Conduct will oblige the Gentlemen to alter their Minds on this Head, is what I don't know. The Petition says,

It would even fill a Volume to enumerate all our Grievances; may your Petitioners crave Leave to refer you to what is inserted in Mr. Parker's Post-Boy of Feb. 17th, and in the Petition preferred by our Constituents, setting forth the same, in which we concur, &c.

As to Mr. Parker's Post-Boy, Sir, I humbly conceive the Proprietors have given a full and compleat Answer to it, whereto I refer for Answer to that: However, I beg leave to observe here, That this Paragraph shews, that these Petitioners concur with the Rioters, in every thing they have done and publish'd; and therefore this Committee (as they are pleased to stile themselves) are no less tinctur'd with the Spirit and Seeds of Sedition, than their Constituents, as they call the Rioters; notwithstanding their fair and specious Pretences to the contrary; for by their own Expressions it plainly appears, they are Aiders and Abettors of these Riots, though perhaps they may not personally appear publickly in them. They proceed thus:

And upon the Whole, we beg Leave to observe, That should we attempt a Composition without Adversaries and Opponents, meaning the Proprietors, there will remain a perpetual Uncertainty who are the true Owners and Proprietors, even by and according to their own Scheme; not to insist upon their putting off False Wares (we mean) Sham Titles, bare Quit-Claims, for Lands unappropriated, and not so much as located, for and under a good Title to the Premises, even such as shall be secure to the Grantees, their Heirs and Assigns. Many Examples and Instances we might bring as Evidences hereof; and shew, how the poor, weak, simple and ignorant Men have been beguiled, &c. And likewise when diverse of our Associates, who to quiet themselves, and prevent great Loss, Trouble and Charge in the Law (having none other Refuge or Remedy) have purchased of some such pretended Proprietors, &c. yet have been forced to purchase again, or meet with the same Difficulty they intended to avoid by the former Purchase; so uncertain and precarious are their Rights, even among themselves, that no certain Dependence can be had on them, &c.

By allowing, Sir, any other than the Crown of England and its Assigns, to be the true Owners and Proprietors, a perpetual Uncertainty would evidently follow who were the true Owners and Proprietors; and for that Reason it was, that by the fundamental Concessions, all Deeds from the Indians were to be in the Proprietors Names; for that Reason it was, that the Act of Assembly in 1683, made it criminal and seditious, to take Deeds from the Indians in any other Name; and for that Reason it was, that the first Act in our printed Book of Laws, made all Indian Deeds void, if the Right of the Crown was not purchased in six Months after that Act was published; so that the Constitutions and Laws of this Province, have sufficiently provided against the Uncertainty in Titles, that the Petitioners would bring into this Colony. It appears, Mr. Speaker, that Sedition was the natural Effect of such Uncertainty; and therefore they by Law appointed the Punishment of Sedition to be inflicted on those, who should attempt to introduce such Uncertainty, as Breakers of the King's Peace, and the Peace of the Province. As to the Proprietors putting off false Wares, Sham Titles, &c. it appears by the Proprietors Publication, that this is altogether a Calumny of them, and can be only true of Doctor Jacob Arents, who is no Proprietor, and possibly of some other Impostors among the Petitioners, pretending to be Proprietors: But are the Proprietors to blame on Account of those Pretenders? Have not they done their Duty, by forewarning the People of Jacob Arents, by Name, six Years ago, [See Proprietors Publication, pag. 5.] and of such Pretenders? Did not they there point out a very easy Way to discover such Pretenders? And can they say the Proprietors ever countenanced or approved such Pretenders? Or that any other ever came to their Knowledge, save only Jacob Arents? But to go on with the Petition:

Wherefore we must, together with our Fellow Men and Brethren, as Partakers with them in the like Sufferings, humbly pray our deplorable Circumstances may be duly weigh'd and considered, that Way may be made by our Legislative Powers, for our Relief and Help, even by giving, granting

and confirming to us, that which has been, and now is, or should be, the undoubted Right and Privilege of every true English Subject, under Oppressions made, or Grants obtained of or from the Native Owners and Proprietors, have commenced Multiplicities of Suits against many of us for Recovery of our Possessions and Monies, whereby they have obtained some Possessions and more Judgments; the Consequence of which is, and will be, (unless a Way may be found and taken for our Redress) the Depriving us of our Lands and Livings, which we have spent our Strength and Substance upon, and burdening us with heavy Costs, Charges and Expences, to the Subversion and Destruction of our Families, with respect to the Comforts of this Life: And in Addition to all this, threaten us further, unless we comply with their Terms, which are (in our Apprehension) extremely severe, &c.

As to this Prayer, Sir, I hope every English Subject is possessed of it, viz. freely and without Let, to seek (and use all lawful Means to obtain) Redress of his Wrongs and Grievances! Has not his Majesty appointed Courts of Justice, both of Law and Equity, in this Province for that Purpose? Have not those Courts been open for every one? Has not his Majesty appointed the proper Appeals to himself in his Privy Council, from all those Courts, to redress what Errors they may happen to commit? And have those Courts done any Thing to hinder the Petitioners, or any of them of the common Course of Justice; or ever been shut against them? And as the Petitioners are intitled to that Course of Justice, appointed by his Majesty in those Courts, and in that Method; so I hope, Mr. Speaker, the Proprietors and all other Subjects of this Province, are in like Manner intitled; and that none will be so bold, besides the Petitioners, to attempt the stopping the Course of Justice in those Courts: If the Petitioners will apply to his Majesty in the first Instance, without bringing their Cause before him, in the Method he has appointed, viz. by Appeal from one of the Courts here, has any Body hinder'd them from taking that Course if they thought proper? It appears by Mr. Ogden's Letter (as I mentioned before) that he even offered these Petitioners (the Committee) to lend them a sufficient Sum of Money for that Purpose upon their own Bond. This Petition concludes thus;

And may the Honourable House (if in your Wisdom it is thought expedient) lay this our humble Petition before his Excellency our Governor in Council. And your Petitioners, as in Duty bound, shall always pray.

John Condict,	Nathaniel Wheeler,
Samuel Baldwin,	Samuel Harrison,
Michael Cook,	Jonathan Pierion,
Michael Vreelandt,	Nathaniel Camp.

I shall be far from agreeing, Sir, that this House should be the Petitioners Messengers, to lay these Petitions before the Governor and Council, lest it should look as an Approbation of several Things in them, improper to be said to this House without shewing a proper Repentment, as particularly, the attributing their Properties to have their Rise and Support from us, which Attribute is only justly due to his Majesty, our only Supreme Lord, George the Second, (whom God long preserve, and keep free from all Rebellions, dangerous Riots, and tumultuous Assemblies, all which threaten the Subversion of our happy Constitution, and may render us an easy Prey to our Enemies) and all that we can do is, to enquire into and present the Grievances of the People we represent, (when any such really appear before us) and sue for Redress.

Upon the Whole, Mr. Speaker, by all that has been said, I think it plainly appears, that the Petitioners have late themselves down, and taken Possession of several Tracts of Land, without any real Right and Title to the same; and have occupy'd and taken the Profits of them so long to themselves, without making any Satisfaction to the true Owners and Proprietors thereof, that they now begin to think in good earnest, that they have the best Right to those Lands, and that the true and bona fide Landlord is a Cheat! And an Impostor! And when he comes to seek for his own, he is branded as an Invader of their Liberties and Properties truly, and charged with unjust Molestation and virulent Oppression: These are Regular and Sure Steps indeed to acquire Estates! I must own, Sir, I have been very long and tedious in this Affair, but as there has been a great Misunderstanding and wide Difference subsisting between the Proprietors of East-New-Jersey, and some Sort of People, I could not be silent, and suffer such gross Absurdities, and manifest Untruths to be imposed upon the Honourable the Representatives of the Colony of New-Jersey, without endeavouring in the fullest and most open Manner, to set every Circumstance in a clear Light, supported by the Records and Matters of Fact; and I think the Petitioners have offer'd neither in Support of their Pretences. Wherefore, and for that this House is no Court of Justice to examine into Titles to Lands, or any Property in Question between his Majesty's Subjects (tho' we have Right to enquire into the Male-Administration of Courts of Justice, if any such were complained of, but no such Thing appears here) I say, for these Reasons, I humbly move, that these Petitions may be rejected.

Yet nevertheless, Mr. Speaker, to shew that I am entirely free from Resentment, and in Compassion to a great Number of poor People, who may have been seduced into the late Riots thro' their Ignorance, and for restoring the Peace of the Colony, I further move, that this Honourable House would be pleased to apply to his Excellency the Governor (either by a short Address or Message as they shall think proper) to extend his Majesty's Mercy to those People by a general Pardon, under such Restrictions and upon such Conditions, as to his Excellency shall seem proper. ††

†† N. B. The great Number of *£c's*, in these two Petitions, are not owing to any Omissions of the Words of the Petitions, but to a Peculiarity in the Stile of the Drawer: The like may be seen, in the Paper printed in the Post Boy of February 17th, referred to in the last Petition, where there are 21 *£c's*; but these two Petitions are still more plentifully graced with them, as their Number amounts to 38.

By the Council of Proprietors of the Eastern Division of New-Jersey, met at Perth-Amboy the 25th Day of March, 1747, in Behalf of themselves and the rest of the General Proprietors of the Eastern Division of New-Jersey, whom they Represent.

AS by the *New-York Weekly Post-Boy* of February 17, 1745-6, and by a printed Paper signed *Griffin Jenkins*; the General Proprietors of the Eastern Division of *New-Jersey*, were traduced as the Cause of the then late Riots committed at *Newark*: And as we were sensible of the Injustice thereby done to the General Proprietors, we conceived it our Duty, as their Representatives, to obviate those Calumnies by our Publication of the 25th of *March*, 1746, five hundred Copies of which we caused to be printed and dispersed, and a Copy thereof in particular to be given to the then Governor; and on the 9th of *April* 1746, other Copies to every Member of the Council and Assembly of *New-Jersey*. And that it might be the more Publick, we caused it to be printed in the three *New-York* weekly News Papers of *April* 7th, 14th, 21st, and 28th, 1746.

As no Matter of Fact in said Publication, has been hitherto denied by our Antagonists to our Knowledge or Belief, except the last Paragraph but one in Mr. *Ogden's* Letter, in Page 9 of our said Publication; its submitted to the World, whether that Silence, as to the rest now for near a Year, be not a tacit Acknowledgment, that the Truth or Justice of any other Part thereof, cannot be denied.

With what Truth they have taken upon themselves to deny that Paragraph of Mr. *Ogden's* Letter, and how sincere they were in their pretending to be willing to accept of that Proposal; is submitted to the World to judge, from the following Narrative of the Proceedings of our Antagonists, and of their Committee since our said Publication; to which we have annexed Copies, of all material Papers that are mentioned therein, and have not heretofore been printed.

The NARRATIVE.

1746, *April* 17. A Petition of our Antagonists was read in the Assembly, praying, That Way may be made for their Relief here; or that they may have Liberty of Application by their Committee,

or Substitutes, to the Head and Fountain of Justice, &c.

Also a Petition from their Committee, in Substance praying the same, and referring the Assembly to the *Post-Boy* of February 17; and to the said other Petition, with which (they say) they concurred; as by the printed Minutes of the Assembly of that Day, and said Petitions, more fully may appear.

1746, *April* 26. The said Petitions were again read in the Assembly, and *Samuel Nevill* Esq; (one of the Members of the Assembly, & one of the General Proprietors, both of the Eastern and Western Divisions of *New-Jersey*) was heard concerning them, as by the printed Minutes of the Assembly of that Day, and Mr. *Nevill's* Speeches, including the said two Petitions, verbatim, in the Body thereof, printed in the *New-York Weekly Post-Boys* of *May* 19 and 26, 1746, to which we refer; may appear.

1746, *April* 28. It was put to the Question in the Assembly (without any Answer to Mr. *Nevill's* Speeches that we have heard of) Whether the said Petitions, with the Proposals of the said Persons stileing themselves their Committee, be sent to his Excellency the Governor in Council, or not? And it passed in the Affirmative, as by the printed Minute of the Assembly of that Day, with the Names of the Yeas and Nays to it, (and amongst the Yeas the Name of Mr. *Lowe* is one) may appear.

We find no mention, before that Day, of those Proposals in the Minutes of the Assembly; nor is it reasonable to suppose there was any Prior-mention thereof, as their Date is the 24th of *April*, and some of the Subscribers live near 70 Miles Distance from the Place of the Sitting of the Assembly: The Occasion of the Proposals is therein alledg'd to be, the aforesaid Paragraph of Mr. *Ogden's* Letter, printed in our Publication of *March* 25th, 1746, page 9; wherein he declares, he sent a Message to some of the said Committee, that if they would chuse to have a Tryal at Law in this Province, in order to carry the Matters in Dispute to *England*, by an appeal from a Court of Law; on their naming the Person to him against whom they would have

have the Action brought, the same should be immediately commenced for that Purpose.

The said Proposals of the Committee deny
5 Notice of the Matter of that Paragraph, and say, It's so agreeable to what they designed, that they would gladly embrace the Opportunity to join Issue, according to that Proposal, for a Tryal in a Court of Law; and accordingly desired, the Action might be commenced against *Francis Spier*, of *Horse Neck*, and proposed Stay of Proceedings and Obligations, as by the said Proposals hereunto annexed N^o 1, may at large appear; and on
15 the Margin whereof we have made some Observations.

As to the Denial of the Notice, Mr. *Ogden* recollected by whom he sent it, viz. Capt. *Nathaniel Johnston*, a Man aged 46 Years, and who was born in *Newark*, has ever been an Inhabitant there, and whose Veracity is unquestioned. Mr. *Ogden* procur'd Capt. *Johnston's* Affidavit, to obviate the Imputation of his alledging by the said Paragraph, a
25 Thing not true; and by which Capt. *Johnston* swears, That he gave that Notice to two of the Committee, viz. *Jonathan Pierston*, (who is one of the Signers of the Proposals) and to *John Lowe*, (one of the Assembly voting for the sending them to the Governor.) The Affidavit is printed on the Margine of the Proposals, at the Place where the Notice is denied.

1746, June 30. We the Council of Proprietors had a special Meeting at *Perth-Amboy*, to consider of the said Proposals of the Committee, when we agreed to bring an Action at Law (as by them is requested;) and further agreed, that Suits should be stayed, and Obligations given, according to the Proposals of the Committee, upon their giving like Obligations on their Part; declaring we intended fully to comply with the said Proposals, as far as in our Power was; and if in any
45 Thing, that our Agreement should fall Short of it, (which was not designed by us) we authorized our Attorney to supply it on pointing it out; and we appointed the second Tuesday of *August* then next, at *Perth-Amboy*
50 (being the first Day of the Supreme Court there) to meet to do these Things; and we directed our Clerk to send a Letter to the Committee who had signed the said Proposals, containing the Particulars of our said
55 Agreement, with a Declaration in Ejectment for the Lands in Possession of *Francis Spier*; on which the Committee might then join Issue for the Tryal requested, as by the said Letter of our Clerk hereunto annexed, N^o 2,
60 fully and at large may appear.

1746, July 19. *Elisha Parker*, Attorney for the General Proprietors, made Oath before *Joseph Bonnell*, Esq; second Judge of the Supreme Court, of his Service of the said Letter and Declaration, on sundry of the said Committee, as by the Affidavit, N^o 3, hereunto annexed, may appear.

1746, August 12. Which was the second Tuesday thereof, being the Day appointed by the said Letter of June 30, for joining Issue in the said Cause, and giving Bonds mutually; attendance was given on our Parts at *Perth-Amboy* for that Purpose; and no Person having appeared on Behalf of the Committee, till the Court was about to adjourn for that Day, the Cause was then entered in the Minutes of the Court, and the Defendant was thrice called, but did not appear; as by a Copy of the Minute of the Supreme Court hereunto annexed, N^o 4, may appear.

1746, August 13. *Nathaniel Camp*, one of the Committee, delivered to *Elisha Parker*, Attorney for the General Proprietors, the Paper hereunto annexed N^o 5, and agreed to stay half an Hour for an Answer; and as a sufficient Number of the Council of Proprietors was then in Town on Purpose to attend this Affair, we immediately met and gave Mr. *Parker* our Opinion in Answer, which he went within the half Hour to deliver; but Mr. *Camp* was gone. The Substance of the Paper so delivered by Mr. *Camp*, is to request us to part with one of our Council, who they hoped would undertake for them; alledging, that all the several Attorneys, or Practitioners in the Law, of Note, both in this and the two neighbouring Provinces, were engaged by Interest or Fee, on their Opponents side; and that in nothing receding from what they had offered, they resolved to be ready by next Term, if they could find an Attorney to speak for them. As this Paper and the nine Names to it, were all of one Hand-writing, and directed to nobody, we might with Justice have refused taking any Notice of it; but might have look'd on it as a trifling with us, in order to recede from their own Offer aforesaid, delivered to the Assembly, and by them to the late Governor; and whether it was not sent in that odd Manner on Purpose, in hopes we might take no Notice of it, and so give them some Handle to lay to our Charge their breaking off from their Proposal, we know not, but suspected some such Thing; and therefore we rather chose to pass by that Impropriety.

The Answer which we ordered Mr. *Parker* to give to Mr. *Camp*, was in Substance, That we had but three Council and one Attorney, naming

naming them ; and that we neither had engaged, nor intended to engage, more in the Cause ; and that there were many other Attorneys and Practitioners of Law, of Note, 5 of this and the two neighbouring Provinces, who were no Way engaged by Interest or Fee on our Side ; and who, if they refused to serve them, they the Committee were told by Mr. Ogden about a Year before, that 10 the Supreme Court could, and upon their Motion no doubt would, compel a sufficient Number to serve them ;---that our Council had all perused our Part of the special Verdict intended to be found in the Cause, and seen 15 and advised on our Title, and it could not be expected that we would in that Case consent to part with any of them ;---and that they the Committee had Time, during all the then Term, which was to sit till the Tuesday 20 following, to move the Court to appoint Attorneys and Practitioners of the Law to serve them.

As neither the said *Nathaniel Camp*, nor any other Person from the Committee, came 25 for an Answer to the said Paper, during the sitting of the Supreme Court in the Term of *August*, nor made any Motion in Court for appointing Attorneys to serve them, (tho' that Method had been pointed out to them 30 by Mr. Ogden, as before : and tho' had he not have done it, 'twas what their own Sense and common Reason must have told 'em ;) we, after the End of that Court at our usual stated half yearly Meeting, took the said Pa- 35 per delivered by *Nathaniel Camp*, again into our Consideration : And as the next Supreme Court was to sit in *November* at *Burlington*, which was upwards of seventy Miles from the Habitations of most of the Committee, we 40 conceived it would be very inconvenient both to them and us, to go so far to join Issue, give Bonds mutually, and to do the other Things which were proposed by our Letter of *June 30* ; especially seeing these Things 45 might be done at any Time before *November* Term, much nearer to the Habitations of both Parties. We therefore agreed, that our Attorney, besides the Answer before advised, should by Letter acquaint Mr. *Camp*, that at 50 any Time before *November* Term, on a week's Notice, he would be ready at *Pertb-Amboy* to join Issue, and enter into Bonds mutually ; and that our Council at *New-York* would be ready, on a week's Notice, to agree with the 55 Attorneys of the Committee on the special Verdict ; and if this was done we should engage one of our Council to attend the *November* Term at *Burlington*, for settling the special Verdict, and doing all other Things 60 necessary for carrying the Cause by appeal to

England. And accordingly on the 29th of *August*, 1746, our Attorney *Elisha Parker* wrote to the said *Nathaniel Camp* as we had directed : Which Letter was delivered to the said *Nathaniel Camp* by *David Ogden*, 5 Esq; as per Copy of the Letter annexed N^o 6, and Mr. *Ogden's* Certificate of the Delivery thereof at the End of it, may appear.

And tho' there can be no Pretence that 10 the said Letter N^o 6, was not delivered ; yet no Application was made to our Attorney, as therein proposed, by the Committee, or any of them ; or any Person for them, to join Issue, or enter into Bonds, before *November* 15 Term, nor to any of our Council to agree on the special Verdict ; nor have we, or either of us, received any Thing verbal or written, in Answer to the said Letter of our Attorney to Mr. *Camp* ; nor did the Committee, or 20 any of them, or any Person for them, during *November* Term, make any Motion to the Court to have Attorneys and Council assigned to them ; as by the Affidavit of our Attorney N^o 7 annexed, may appear. 25

Some Method of this kind surely wou'd have been pursued by them, had there been the least Sincerity in their Proposals before mentioned ; but instead thereof, new Riots are committed, Goals broke open, People 30 forceably turned out of Possession of their Lands, and the Officers of the Government publicly insulted. An Account of which, since the Offers made by us to the Committee, we beg Leave to publish, 35

1746, *August 5*. A Number of Persons in the County of *Bergen*, being as is supposed encouraged by the Rioters at *Newark*, (passing with Impunity) went armed with Clubs to the House of one *Edward Jeffers*, in said 40 County ; and there threatned to club him out of Possession, unless he came to some Agreement with a Person then present, who pretended Title to the Lands on which the said *Jeffers* was seated. And the said *Jeffers* 45 not doubting but that they would execute their Threats ; if he did not comply with whatsoever they required, contented to take a Lease from the Person pretending Title ; tho he (the said *Jeffers*) was in Possession of 50 the Land, and had made considerable Improvements upon it, by Leave from the Proprietors of the Eastern Division of *New-Jersey*, to whom the Land belonged.

1746, *September 10*. A Number of Per- 55 sons, Part of those who are commonly called the *Newark Rioters*, in a forceable Manner, turned out of Possession, and beat and wounded several People that were settled by *John Burnet* on a Tract of Land, in the County 60 of

of *Essex*, belonging to him; and put other People in Possession of the Places they were settled on. For which Crime the Grand Jury of the County of *Essex*, at the 5 Quarter Sessions in the said Month of *September*, indited six Persons by Name, with diverse other Persons to the Jurors unknown.

Sometime in *June* last one *Abraham Anderson*, of *Maidenhead*, was arrested by 10 the High Sheriff of *Somerset* County, by Virtue of a Writ issued out of the Supreme Court at the Suit of the Executors of *Daniel Coxe*, Esq; and for want of Bail was lockt up in the Prison of the said County, and there 15 remained until the second Day of *December* following. On which said second Day of *December*, a Body of Men, to about the Number of one Hundred, who chiefly belonged to *Newark* in the County of *Essex*, and *Maiden-* 20 *head* in the County of *Hunterdon*, which two Places are about fifty Miles a-part, and both many Miles distant from the said Prison; did come to, and in a violent Manner break open, the Doors of the said Prison, having 25 first haughtily and imperiously demanded the Prisoner; and then and there set at Liberty the said *Abraham Anderson* therein confined: For which several of the Persons therein concerned, were indited at the next Quarter 30 Sessions in the said County of *Somerset*.

The greatest Part of those Rioters came from *Newark*, who on their Return from *Somerset*, formed a Design of coming to 35 *Pertb-Amboy* to pull down the House of the said *Samuel Nevill*, who had, in the Assembly, answered the Petitions of our Antagonists and of their Committee; on Pretence, that he wrongfully kept from one *Clawson*, some Bonds for Money which he, the said *Clawson* 40 had granted to the same *Samuel Nevill*, for Lands sold by him to the said *Clawson*. Which Design, some of them were for putting in Execution immediately; but others thought proper to defer it, till *Clawson* should 45 first demand the said Bonds of Mr. *Nevill*, and if he refused to deliver them on that Demand, their Design should then be put in Execution.

Accordingly on the Friday following, being the fifth Day of *December*, the said *Clawson* 50 and one other Person with him, did demand of the said *Samuel Nevill*, the Bonds aforesaid; saying, *he would have them if he died for it*.

Upon which Mr. *Nevill* swore the Peace 55 against him, before Justice *Josiah Smith*, who happened then to be present; and upon the Justices demanding Security of *Clawson* for his good Behaviour, he the said *Clawson*, assaulted the Justice, in the Execution of his 60 Office, with a Club; saying, *that was his*

Security; and immediately went off huzzaing: For which the said *Clawson* has been indicted by the Grand Jury of the County of *Middlesex*, at the last Supreme Court held at *Pertb-Amboy*; and the Rioters do still 5 threaten to put those their Designs in Execution against Mr. *Nevill*.

From our Publication of *March* 25, 1746, Mr. *Nevill*'s Speeches to the Assembly, in 10 Answer to the Petitions of our Antagonists, and from the preceeding Narrative, and the Papers annexed and referred to; we conceive the World will be fully enabled to judge, what Truth there was, in the Committee's 15 Denial of Notice of Mr. *Ogden*'s Paragraph aforementioned: And their Conduct since, sufficiently shows how sincere they were, in their Professions of Readiness, and Proposals, to join Issue with us, and in their Prayers 20 to the Assembly, that they might have Liberty of Application, to the Head and Fountain of Justice. For, as to the Allegation in the Paper deliver'd by *Nathaniel Camp*, in *August* 25 last, that the Attorneys were all engaged against them, and so they were at a Loss for want of an Attorney; its obvious that that was a mere Pretence, because we have not only shown it to be false in Fact, but that (had it even been True) as they were told by Mr. 30 *Ogden* how to get over it, *to wit*, by Motion to the Court, by which Attorneys in such Case might be compell'd to serve 'em; and if they had been in earnest, they would certainly never have let slip the many Terms 35 that have past, since they were so inform'd, without such Application to the Court; nor can we see any Reason for their not making such Application, but that they are conscious of the Weakness of their Pretence; which 40 we conceive evidently appears, from the whole of their Conduct.

By Order of the Council of Proprietors,

LAUR. SMYTH, Clerk. 45

Nº 1

To the Honourable House of Representatives of the Colony of New-Jersey, convened in 50 General Assembly April 24th, Anno Domini 1746.

May it please your HONOURS,

WHEREAS it is set forth by the Council 55 of Proprietors, so called, in their printed Memorial of *March* 25, 1746; That their Basis or Foundation, respecting their Titles to the Lands situate in *New-Jersey*, stands firm and strong; and that their Properties, 60 Rents

Rents and Franchises, were secured and established to them, by Concessions of the Crown, upon their surrendering the Government, &c. And if the

5 * *That Fundamental Rule we never called, An Act of 1683; we called them as they were, distinct and separate Things.*

* *Fundamental Rule* (as they term it, calling it *An Act of 1683.*) touching Indian Purchases, stand good as an esta-

10 blish'd Law and Act of the Province, rendering all those Criminal who have not acted in Concert therewith; who sees not the Advantages accruing to said Proprietors, even above any or all others, in and by the Design
15 on Foot, viz. of sending home to England; whence it must necessarily follow, that their regretting a Matter of so great Concern as for the Peace and Tranquility of the Country, (which they allow themselves have much at
20 Heart, and which (according to their Induction set forth in their Print aforesaid) must needs be Detrimental to the Purchasers, as tending to the Subversion, of their Interest and Property in the Lands purchased by them,
25 and rendering their Application Home of no Validity;) cannot but be deemed in Men of such Character and Distinction, as many of them bear and carry, a Thing rare and strange, if not without any Precedent. But all this
30 notwithstanding, We your Petitioners, having humbly offered our Address to the Legislative Powers; do yet beg Leave further to add, that meeting with something like an Offer, (in Mr. Ogden's Letter N^o 4, in the
35 Print aforesaid, wherein is set forth a Message sent to some of the Committee, § *by an unfaithful Messenger surely, or they must have heard something of it before;*) proposing a

40 § *Are we to understand by this, that if Mr. Ogden sent such Message, the Messenger must surely have been unfaithful, and did not deliver it, for that none of them heard any Thing of this before? This we conceive is the obvious Meaning of this Paragraph; and if so, then its not true, as will appear by the Deposition following, made by a Neighbour well known, and whose Veracity we believe they will not Question, in so far as he swears he delivered the Message in Question to Jonathan Pier-
45 son, one of the Signers of these Proposals; and to John Low another of the Committee of our Antagonists, who tho' he be not a Signer of this Paper, yet is one of the General Assembly, and, its supposed, was the Person who advised and brought it into the Assembly; or if he was not, yet we think he can't deny he was Privy to it, while before the Assembly, and of Consequence that it contained such a false Fact: And if he was, its submitted how just he was to let such a Fact (to his own Knowledge false) pass upon the Assembly; and by which they were led, to be the Bearers and Messengers thereof to the Governor, which we are sure they would have been far from becoming, had they believed that it was untrue or insincere; and which Mr. Lowe could have informed them that it was, but did not. The Affidavit is in these Words;*

Essex County, } ss. **NATHANIEL JOHNSON**, Esq;
of Newark, being duly sworn, maketh Oath, That he, sometime in September or October last, at the Request of David Ogden, Attorney at Law; delivered a Message from said David Ogden to Col. John Low, and Mr. Jonathan Pier-
60 son,

Tryal at Law in this Province with them, in order to carry the Matters in Dispute to Eng-
land by an Appeal, &c. and that he would commence an Action for that Purpose against
5 such Person as they should name, &c. The which, being so agreeable with, and unto what we have had a Design for, and Desire unto, as hath been declared by our † repeated
Offers made them to that End and Purpose; We shall gladly embrace the Opportunity to
10 join in Issue according to the aforesaid Proposal, for a Tryal in a Court of Law; and do accordingly desire the Action may be commenced and brought against *Francis Spier*, of *Horse-Neck*, so called. *Provided*,
15 in the mean Time, that all Writs and Processes against us may cease; and we, with all we have by Delegation concern in and for, may be secure in holding their and our Rights and Possessions, until the Matters in Contro-
20 versy shall have a full and final Determination at Home; *Unless* it shall please either Party to give up, or come to some Composition otherwise by Concessions. And may our several Remonstrances and Petitions, have
25 their due Weight, in your wise Administrations and Consultations, to the End we may obtain our Rights and Privileges, (unitedly and repeatedly desired and requested) confirm'd by our Legislative Powers. And your
30 Petitioners, as in Duty bound, shall always pray.

*Nathaniel Wheeler,
Samuel Harrison,
Jonathan Pier-
son, John Cundict,
Nathaniel Camp,
Samuel Baldwin,
Michael Cooke.*

P. S. It is desired that the Proprietors, so called, concerned in the Premises, shall come under Obligation agreeable to said Proposals and Provisos, in order to try the Action above mentioned.

Pertb-

40 *Pier-son, two of the Committee chosen by the Indian Purchasers at or near Newark, to wit, That in Case the said Committee or Indian Purchasers, desired to have a Tryal at Law in this Province, in order to have the Matters in Dispute, between the Proprietors and Indian Purchasers, of the Indian Purchase made by the People of Newark, between the Mountain and Passaick
45 River; carried home to England for a Determination there, if they would Name the Person to the said David Ogden against whom they would have the Action brought for that Purpose, the same should be immediately done;" or Words to that Effect. And this Deponent farther saith, That the said Col. Low then told this Deponent, that he would mention said Message to the rest of said Committee, for their Consideration.*

NATHANIEL JOHNSON.

Sworn this Twenty Ninth Day of August, An. Dom. 1746, before me (Memo. that the Words of the Indian Purchase made by the People of Newark between the Mountain and Passaick River, were interlin'd before the above Deposition was taken)
55 **DANIEL PIERSON.**

† *As to their repeated Offers, see our said Publication page 8 and Mr. Ogden's Letter in Page 9; and from what they have done in Consequence of these Proposals, (as appears by what is to this annexed) no one can be at a Loss to judge of the Sincerity of those Offers.*

N^o 2

Perth-Amboy, June 30, 1746.

GENTLEMEN,

THE Council of Proprietors of the Eastern Division of *New-Jersey*, having this Day had a special Meeting, to consider certain Proposals signed by you, as a Committee for the Subscribers to a Petition of many Persons, said to be chiefly inhabiting the Northern Part of this Province, which on the 28th of *April* last were, by a Message from the General Assembly, sent up to the late Governor of this Province; have ordered me to acquaint you concerning the said Proposals; that as the Lands at *Horse Neck* were set out surveyed and patented, and legally divided to particular Proprietors, as Part of their Share above Forty Years ago, they the Council of Proprietors, have no Concern, in any particular Controversy concerning those Lands, unless that Controversy do equally affect all the other Lands of the General Proprietors: But as the Pretence by you now started, *That a Title by an Indian Deed, is good against the Title of the General Proprietors*, which was first vested in Sir *George Carteret*, the first Proprietor of *East New-Jersey*; the Council of Proprietors conceive that this Pretence, equally affects the Titles of the General Proprietors, Assigns of Sir *George Carteret*, to the other Lands of *East New-Jersey*, under which all the Freeholders thereof Claim, and by Virtue of which *East New-Jersey* has been possessed, from its first Settlement, now upwards of eighty Years, until you, and those you claim to represent, have lately started the said Pretence; and therefore the Council of Proprietors think, as this Pretence affects all their Titles, that its incumbent on them, to be at the Charge of the Defence against it, until it has received a legal Determination. The Council of Proprietors by their Publication of *March* 25, last, (which was first published by itself, and afterwards in all the three *New-York* News-Papers in *April* last) thought they had given you and all reasonable Men, full Satisfaction, that the said Pretence is vain, idle and groundless. But by the said Petitions, and your said Proposals, it seems it has not proved Satisfactory to you, and that you still pretend, your Aim is and was, to have a legal Determination of your Claim, by the Head and Fountain of Justice. If this was really so, it seemeth very unaccountable, that you slighted so many Opportunities, as are set forth in the said Publication, of bringing your Claim to that Test; the Council of Proprietors being well assured, that no less than fifteen Actions of Ejectment, were brought at sundry Times, by Messrs.

Alexander and Morris, against the Tenants of the Lands at *Horse Neck*; one of which was against that *Francis Spier* which you name; and every or any of which Actions, you might have defended, and brought them or any of them, by appeal, before the King and Council, if you so had thought proper; but you embraced none of these fifteen Opportunities; on the Contrary, you suffered Judgment to go in every of them by Default; you neglected the Advice of Mr. *Ogden*, to file your Bill in Equity, for Stay of Proceedings on those Judgments; you neglected applying directly to his Majesty, as you said your Design was; and you slighted Mr. *Ogden's* Offer, of lending you sufficient Money for that Purpose; and you neglected the other fair Offers made to you, as by the said Publication at large appears. However, seeing by your said Proposals, you now offer to accept of Mr. *Ogden's* last Proposition, of a Tryal at Law in this Province, in order to carry the Matters in Dispute to *England* by an Appeal, &c. and declare, that you shall gladly embrace the Opportunity to join Issue; and you desire the Action may be commenced and brought against *Francis Spier* of *Horse-Neck*; and tho' Mr. *Ogden* has no Concern or Interest in that Affair now, and many other Reasons are obvious, why Offers then made, are by your Conduct since, and that of those you claim to represent, become no Way now Obligatory; yet, I am ordered by the Council of Proprietors to acquaint you, that as the Lands for which you propose an Ejectment to be brought, are Part of what have been surveyed and patented, to particular Proprietors above forty Years ago, as mentioned before; and the Declaration, upon which Judgment is already given, for the Lands in Possession of *Francis Spier*, was laid to be on the Demise, of the Assigns or Grantees of the said particular Proprietors, to whom the said Lands were so surveyed and patented: The Council of Proprietors think it would not be so proper, to direct the bringing of any Ejectment, on the Demise of the said particular Proprietors, or their Assigns: But in order that you may try the Strength of your Claim by Indian Purchase, against the Title of the General Proprietors, they propose, if you approve thereof, to bring another Action of Ejectment on the Title of the general Proprietors, for the Lands in the Possession of *Francis Spier*. And as this is no Way designed as a compulsory Suit, but as one requested by you to be brought for the Purpose before, they do not send the Declaration, to be served on *Francis Spier*, but to you who made the Request, that you may

may enter *Francis Spier*, or any other Person you please Defendant ; and you have herewith a Declaration for that Purpose, which is made on the Demise of Sir *George Carteret*, the first Proprietor of *East New-Jersey*, and which will also save the great Length and Expence of setting forth, in the special Verdict and other Proceedings necessary, the many mean Conveyances under him to the present Proprietors, of which you may see some Hundreds pointed to on Record, by the Bill filed with Mr. *Bartow*, shown to Mr. *Low* and Mr. *Condict*, as by the said Publication is mentioned.

I am also ordered to acquaint you, that on the first Day of the next Supreme Court at *Perth-Amboy*, which is the second Tuesday of *August* next, *Elisba Parker*, Attorney for the Proprietors in the said Action, will be ready to enter into, and sign the general Rule, for joining Issue in the said Action, upon your Attorneys making a Defendant ; and also entering into and signing the general Rule.

I am also ordered to acquaint you, that their said Attorney will be ready to give Security, by Persons of good Estates in this Province, to such Persons as you shall name, by Bond in *Two Thousand Pounds*, or any greater Sum, to prosecute the said Suit to Effect, and to pay the Costs in case the Plaintiff, in this first Action, should be cast, discontinue or withdraw the Action ; and to prosecute Appeals here and to *England* to Effect, in Case the Plaintiff in this first Action is Cast ; and to pay Costs on the Appeal, in Case this same Plaintiff be thereon Cast, upon your giving the like Security to Persons by the Proprietors Attorney to be named, to pay the Costs in Case the Defendant in this first Action be Cast, and to prosecute Appeals here and to *England* to Effect, in Case the same Defendant be Cast, and to pay the Costs on the Appeals, in Case the same Defendant be thereon Cast.

I am ordered also to acquaint you, that for the greater Dispatch, the said Attorney of the Proprietors, will have their Part of a special Verdict ready drawn, by the said second Tuesday of *August*, when its desired that the Defendant's Attorney, have the Part of the Defendant ready drawn, that they may be reduced into one special Verdict, which shall conclude on such particular single Points on the Titles of the Plaintiff or Defendant, as will bring or leave the true and real Merits, of all the material Points in Controversy, between the general Proprietors and you, to be finally determined by his Majesty in Council, without regarding any immaterial Circum-

stance, or want of proper Form, that do not immediately relate to the principal Points in Dispute ; which special Verdict being agreed on, and signed by the Attorneys of both Sides, may be found by Consent, by a Jury of the People happening to be at Court, or otherways as may be agreed on by the said Attorneys, for the speedier Dispatch. And, as the Council of Proprietors, as well as you are resolved, to have the Affair carried Home, in order to be finally determined by his Majesty in Council ; which Way soever the Judgments are given by the Supreme Court, and by the Commander in Chief, and Council of this Province, and as you seem willing and desirous to have the final Determination thereof, by his Majesty and Council as speedily as possible ; the Council of Proprietors, desire me in their Behalf to propose to you, that the Matter be argued in the Term of *August* next, in the Supreme Court, and that Judgment be then pray'd for ; and whatever Way Judgment goes, that a Writ of Error be immediately procured to the Commander in Chief and Council ; upon which both Sides shall appear with all Speed gratis, and argue the Matter there, and that Judgment be then pray'd for ; and whatever Way Judgment goes there, that an Appeal be made to the King and Council, pursuant to his Majesty's Royal Instructions, to be prosecuted with all Dispatch on both Sides ; and its hoped, that the Appeal may be sent Home by the first Ships ; and if prosecuted with Effect, its hoped that it may in a few Months, be determined by the King and Council ; to prosecute which with Effect, nothing shall be wanting on their Parts. I am also ordered by the Council of Proprietors to acquaint you, that they have no coercive Power, over the particular Proprietors or Owners, of the Thirteen Thousand Five Hundred Acres at *Horse Neck*, or of any other Lands particularly laid out, surveyed, or patented, whereby to prevent, stop or hinder them, from issuing any Writs or Processes, or commencing any Actions relating to such Lands ; and therefore it would be unreasonable, to expect or desire, that the Council of Proprietors should enter into any Engagement, Agreement or Promise on that Head : However, I am ordered to acquaint you, by Messrs. *Alexander* and *Morris*, the present Owners of the said 13,500 Acres at *Horse Neck*, that they shall be ready at *Perth-Amboy*, on the said second Tuesday of *August* next, to give Bonds, with sufficient Securities, in Sums proportionable to the Value of the particular Plantations, that in Case a special Verdict shall be agreed upon, and found

in the said Action of Ejectment, on the Demise of Sir *George Carteret*, against the said *Francis Spier*, or any other Person by you named, and Judgment be given in the Supreme Court, and a Writ of Error be brought before the Commander in Chief, and Council of this Province, and after Judgment given there, an Appeal be brought thereon before his Majesty in Council in *Great Britain*, pursuant to the Proposals, hereby made to you by the Council of Proprietors; that they the said Messrs. *Alexander* and *Morris*, will not prosecute the Executions of their said fifteen Judgments, for the Term of three Years, or until the said Appeal be determined, by his Majesty and Council at Home, which soever shall first happen; which Determination they conceive, may easily be had in much less Time than three Years, if you shall do your Endeavours to have it so: But if three Years is conceived too short a Time, they have no Objection to any longer reasonable Time, provided that you, or the Possessors of the Lands recovered by the said fifteen Judgments, do, on the said second Tuesday in *August*, give them Bonds, with sufficient Securities in Sums proportionable, to the Value of the particular Plantations, that they will not, during the said Stay of Execution, commit Waste on the respective Lands they are possess of; they mean by Waste, that they shall cut no Timber for Sale, and only so much Timber as shall be necessary, for the Use of the Plantations respectively. And after the said Term of Years, or Determination of the said Appeal, if the Defendant *Francis Spier*, or any other Person by you named, be therein Cast, pay to the said *Alexander* and *Morris*, the Damages they have suffered, or shall suffer by detaining from them the Possession of the said Lands, and by Waste thereon committed (if any be:) Which Damages are to be ascertained by Agreement or Arbitration, or by Tryals by Juries, in proper Actions to be brought for them; to which Actions the Obligees are to bind themselves, that the Defendants shall enter Appearances, and consent that the Tryals be had, by Juries of the Western Division of *New-Jersey*.

I am also ordered to acquaint you, that as to the Remainder of the Tenants of the said 13,500 Acres, the said *Alexander* and *Morris*, will then be ready to give them Bonds, with sufficient Securities, that during the said Times or the Dependence of the said Suit as aforesaid, they will prosecute no Writs or Processes against them; provided that you, or those other Tennants, do then give them Bonds, with sufficient Securities, to commit

no Waste, and to pay them their Damages as aforesaid.

I am also ordered by the Council of Proprietors, to acquaint you, that they doubt not upon any of the Petitioners Application, to any other particular Proprietor, to whom the Lands they are possess of, have been legally set out and divided, and giving Bond with Security as aforesaid; such particular Proprietors will, in like Manner, give Bond to stay Writs and Processes, against the Persons so giving Security, during the Time aforesaid.

I am also ordered to acquaint you, that its the full Intention of the Council of Proprietors, to comply with every Thing in their Power, that is reasonable in your said Proposals; and if this does any Way fall short of that, its with no Design to do so; and if you or your Attorney shall point it out, or any Thing unreasonable or deficient in this Proposal, or that any of the Times here proposed are too short, it shall readily be remedied, and supplied by their Attorney.

I am also ordered to acquaint you, that to prevent Mistakes or Misrepresentations, the Council of Proprietors desire, that all Transactions between your and their Attornies, and Persons appearing to give Security mutually, be reduced to Writing; and that nothing shall be pretended, by either Side to have been said, done or transacted, but what is so reduced to Writing, and Copy of it delivered to the other Side, before the Parties do depart; and its proposed, the Parties shall not depart, till all Copies of that Kind, whereof Notice is to be given them, be delivered. I am

Your Humble Servant,
LAWR. SMYTH, Clerk.

To *Nathaniel Wheeler*, *Samuel Harrison*,
Jonathan Pierston, *John Cundiſt*,
Nathaniel Camp, *Samuel Baldwin*,
Michael Cooke.

N^o 3

Essex County, } ss. *ELISHA PARKER*,
of full Age, maketh
Oath, that on the twentieth Day of *July*, Instant, he delivered the original Letter and Declaration, whereof before are Copies hereunto annexed, unto *Nathaniel Wheeler*, one of the Persons to whom the said Letter is directed, desiring him to communicate the said original Letter and Declaration, to all the other Persons to whom the said Letter is directed. And the said *Elisha Parker* further saith, that on the Eighteenth Day of this Instant *July*, he acquainted the Wife of
Samuel

Samuel Harrison, one other Person to whom the said Letter is directed; and Samuel Baldwin, one other Person to whom the same is directed; and this Day he acquainted Nathaniel Camp, one other Person to whom the said Letter is directed, that he had delivered the same, with the said Declaration, to the said Nathaniel Wheeler, as aforesaid, requesting the said Baldwin, Camp, and each of them, and desiring the Wife of the said Harrison, to request her Husband, to acquaint the other Persons, to whom the said Letter is directed, with the Delivery thereof to the said Nathaniel Wheeler; and also at the same Time, shewed them this Copy of the said Letter and Declaration, and acquainted them, that the Purport thereof was, in Answer to the Proposals of the Persons to whom the said Letter is directed, which were delivered to the late Governor: And further this Depo-
nent saith not.

ELISHA PARKER.

Sworn the 19th Day of July, 1746,
before me, JOSEPH BONNELL.

N^o 4

At a Supreme Court for the Province of New-Jersey, holden at Perth-Amboy the 12th Day of August, 1746,

P R E S E N T

JOSEPH BONNELL, Esq; second Judge,

The Chief JUSTICE having withdrawn from the Bench.

Thomas Styles, on the Demise of Sir George Carteret, *versus* John Noaks, for Lands in the Possession of Fr. Spier.

TRESPASS and Ejectment for Lands at Horse-Neck, in the County of Essex, which was requested to be brought, by Proposals to the last Session of Assembly at Trenton; and consented to be brought by the Council of Proprietors of East-New-Jersey, on the 30th of June last.

Mr. Alexander, in Behalf of Elisha Parker Attorney for the Plaintiff, appears, declaring, he is ready to enter into the general Rule in this Cause. The Defendant being thrice by Proclamation call'd, did not appear.

N^o 5

Newark, August 11, 1746.

WE find in what is set forth by Order of the Council of Proprietors so called of June 30, last past, that they purpose to stand in Defence of their Right to the Lands

in Controversy, as Assigns of Sir George Carteret, against what they please to call, *A vain, idle and groundless Pretence of Title by an Indian Deed, &c.* They say they considered the Proposals signed by us as a Committee, &c. the Purport of which was, our Compliance with that particular Offer, or Proposal, said to have been sent us by Mr. Ogden, namely this, *To have a Tryal at Law in this Province, in order to carry the Matters in Dispute to England, by an Appeal from a Court of Law.* This we closed with, in Consideration all Processes might cease, until the Matter might be accommodated. AND WHEREAS it is pretended, we slighted Offers, and Opportunities of, and for having a legal Determination of our Cause, by the Head and Fountain of Justice, and bringing our Claim to that Test, as is set forth in the Publication of March 25. And in this last, thrown at us, where mention is made of fifteen Actions of Ejectment, and Appeal from them or any of them; did we not § repeatedly offer, if they would take one, two or three Actions, &c. we would gladly have the Opportunity of answering in the Law, in Case Appeal might be had if Occasion offered? The which was rejected by our Opponents. We are not concerned to dispute the Title of the Assigns of Sir George Carteret, unto all the Lands of, or in East-New-Jersey, so called, nor any other in the Province, saving such as we have Concern in and for, not knowing what Purchases they, or some of them, may have made of Lands in other Places: But we suppose the Dispute depending is, * *Whether the Natives or Indians had a legal Right or not?* This is one Thing we eye as a Foundation which, if overthrown, the Superstructure cannot stand, agreeable to that old unalterable

§ As to the repeated Offers, see the last Note on the Committee's Proposals, that being, verbatim, applicable here.

* We were sensible, that those who seduced the People to commit the past Riots, had persuaded them, that this was the Point in Dispute; and for that Reason we, by our Publication of March 25, 1746, page 10, col. 1, line 49, to the End (which was also printed in all the three New-York Newspapers of April 28th) endeavoured to shew, that that was not the Point in Dispute; nor cannot be, while the People of New-Jersey, owe their Allegiance to the Crown of England. And, as our Reasons why it was inconsistent with their Allegiance, and could not be the Point in Dispute, were thereby submitted to the World; we think, in Regard to their Allegiance and to the World, that ought not now to have been alleged, without some Colour, at least, of Answer to these our Reasons, to shew, that it was not inconsistent with their Allegiance, and that, notwithstanding what we had there said, yet this remained still the Point in Dispute: Had this been done, tho the Answer had been Weak in itself, yet the World might have had so far Regard to it, and to the Seducers, as to believe, that by bad reasoning they had been misled; but this Conduct, in reasserting a Thing after a full Answer given to it, we think will not recommend them, to the Compassion of Mankind.

5 rable Position, *Nil dat quod non habet*. But as
 we are no Lawyers, and consequently under
 the greatest Disadvantages in our own Persons,
 to meet our learned Opponents, in a Court
 10 of Law, according to the Rules and Methods
 there prescribed and prosecuted; and as we
 hear and believe, having sent two of our
 Number forth in Quest of an Attorney, to
 engage and act for us, in Concert with their
 15 last Publication, if it might be thought pro-
 per, without Success; all the several Attor-
 neys, or Practitioners in the Law, of Note,
 both in this and the two neighbouring Pro-
 vinces, are engaged by Interest or Fee, on
 20 our Opponents Side; which has rendered
 the Process, proposed on such a sudden, on
 our Side impracticable: However, in no-
 thing receding, from what we have offered
 and comply'd with, or what our Opponents
 25 have published consonant thereunto; we
 resolve, God willing, to make ready against
 the next Term, if they will please to release
 an Attorney, there being one by Fee engaged,
 who if set at Liberty, we trust would under-
 30 take on our Side and Part; or, if any such
 be to be had otherwise, we shall commit
 our Cause to such as we can find to speak
 thereunto, in Answer to our Opponents, if
 it may be permitted. In the mean Time,
 35 as we regret the Waste mentioned, by cutting
 of Timber, &c. as much as themselves, so
 we shall endeavour to stop all such Proceed-
 ing; and rest their *Humble Servants*,

35 Transcribed by Order of the
 Committee, &c.

Nathaniel Wheeler,
Samuel Harrison,
Jonathan Pierston,
Nathaniel Camp,
John Cundict,
Michael Cook,
Samuel Baldwin,
Michael Vreland,
John Low.

45 N^o 6

Pertb-Amboy, Aug. 29, 1746.

S I R,

HAD you staid in this Town, the half
 Hour which you agreed to stay, on
 50 Wednesday the 13th Instant, when you de-
 livered me the Paper dated *August* the 11th,
 said to be transcribed by Order of the Com-
 mittee; I should then have acquainted you,
 that I had laid that Paper before the Council
 55 of Proprietors;---and that the Proprietors
 have but *Joseph Murray*, *William Smith*, and
David Ogden, Esqs; for their Council; and
Elisha Parker, the Subscriber hereof, for
 their Attorney, engaged in this Cause; nor
 60 have they engaged, nor do they intend to en-

gage, any more than the said three Council,
 and one Attorney, in this Cause;---and that
 they did not think proper to release any one
 of their said Council, for the Reasons follow-
 ing, *viz.*

1st. Because, they have been several Years
 feed as Council in this Matter, and have ad-
 vised on, and perused the Draught of the
 special Verdict, proposed by the Letter of
 10 *June* 30th, to be prepared on the Part of the
 Proprietors, and the Evidences to support it:
 And it might be of the most mischievous Con-
 sequence, for any one, to whom the Eviden-
 ces of a Title on one Side are communicated,
 that he should be afterwards engaged, as
 15 Council or Attorney, on the other Side.

2^{dly}. For that there are many other At-
 torneys, and Practitioners of Law of Note,
 in *New-York*, *New-Jersey*, and *Pennsylvania*,
 (who practice in the Courts of *New-Jersey*)
 20 who are neither engaged by Fee, or Interest,
 on the Side of the Proprietors.

3^{dly}. For that, if the other Attornies and
 Council, not engaged in this Cause, have
 refused, or should refuse to be concerned in
 25 it for the Committee; the Council of Pro-
 prietors are well assured, that the Committee
 have been informed, near a Year ago, by Mr.
Ogden, that the Supreme Court could, and
 upon Application no doubt would, oblige
 30 a proper Number of Attornies and Council,
 to serve the Committee: And they think its
 a Pity, that the Committee should have ne-
 glected, the three several Terms of *March*,
May, and *August* last, to move the Court for
 35 that Purpose; at any of which Terms, they
 might have moved this Matter, if the Com-
 mittee had thought proper so to do.

To the above Purpose I should have ac-
 quainted you, had you staid the half Hour
 40 agreed on; and the Committee might there-
 on have moved the Supreme Court (which
 was then sitting, and continued sitting till
 the Tuesday after) for such Attornies and
 Council to be appointed them, as they might
 45 have thought proper to name: But as you
 did not then stay, the Council of Proprietors
 upon further Consideration of the said Paper
 of *August* 11th, have ordered me to acquaint
 you, that they are sorry for the Loss of so
 50 much Time, as may be occasion'd by the
 Neglect of joining Issue in the last Term;
 (which they on their Parts were ready to
 have done) for it may draw with it, the Loss
 of the next Term of *November*, which sits
 55 at *Burlington*, and where probably neither
 of the Council, or Attorney of the Propri-
 etors, do design to attend; and where it
 would be as Difficult for the Committee,
 (who live above Seventy Miles distant from
 60 *Burlington*)

Burlington) as for the Proprietors, to get Persons to attend there, to enter into Bonds mutually, according to the Proposals of the Letter of *June* the 30th. To prevent which
 5 Loss of Time as much as possible, I am ordered by the Council of Proprietors, to acquaint you, that at any Time betwixt this and next *November* Term, upon a Week's Notice from the Committee; I, as Attorney
 10 for the Proprietors, will be ready at *Pertb-Amboy*, to enter into the general Rule, and to give Security to prosecute the Suit, as is proposed to be done by the Letter of *June* 30th, upon their doing the like: And also
 15 to acquaint you, that the Council for the Proprietors, will be ready at *New-York* upon a Week's Notice; there to settle the Form of the special Verdict in the Cause, with whatever Council or Attornies the Com-
 20 mittee shall employ; if which be done and agreed on before next *November* Term, they the Council of Proprietors, will employ one of their Council at Law, on Purpose to go to *November* Term at *Burlington*, in order to
 25 have the special Verdict found; and then and there to argue and pray Judgment upon it, and to do every Thing with speed, as proposed by the Letter of *June* 30th: Or, as shall be agreed on between their Council, and
 30 the Council of the Committee.

I am also ordered to acquaint you, that Messrs. *Alexander* and *Morris* were ready, and attending at *Pertb-Amboy* on the second
 Tuesday of *August* Instant, to have given
 35 Bonds with Security, according to the Letter of *June* 30th; and that still, at any Time between this and next *November* Term, on a Week's Notice, they will be ready to give such Securities, upon the giving to them
 40 Securities, as by the said Letter is proposed.

I am also ordered to acquaint you, that there are sundry Things in the said Paper of
August 11, which the Council of Proprietors, are far from admitting to be true or just, re-
 45 serving to themselves, the Liberty of pointing them out, when Occasion requires, which they think no Way necessary to do by this Letter. I am, Sir, your Humble Servant,

ELISHA PARKER,

50 Attorney for the general Proprietors of East New-Jersey, in the Cause of Styles on the Demise of Sir George Carteret, versus John Noaks, for Lands in Possession of Francis Spier.

55 To Mr. Nathaniel Camp.

September 19, 1746. This Day I delivered to Mr. Nathaniel Camp, the original Letter, whereof the Preceeding is a true Copy.

60 Witness my Hand, DAVID OGDEN.

ELISHA PARKER, Attorney at Law, being duly sworn on the Holy Evangelists, on his Oath declares, that he
 5 being employed, as Attorney for the general Proprietors, of the Eastern Division of *New-Jersey*, in the Action of Ejectment, agreed to be brought by them, by their Letter of *June* 30, 1746, in Compliance with the Proposals
 10 made to the Assembly, by the Committee of their Antagonists, in *April* last, and delivered to the late Governor; he did write the original Letter directed to *Nathaniel Camp*, bearing
 15 Date the 29th Day of *August* last, whereof a true Copy is annexed; and does verily believe that *David Ogden*, one of the Council for the Proprietors in that Action, did deliver
 20 the said original Letter according to his Certificate, whereof a Copy is at the End of the said Letter: And further saith, that neither the said *Nathaniel Camp*, nor any of the said
 25 Committee, nor any for them, has ever since applied to him, to join Issue in the said Action, or to do any Thing whatsoever, in Pursuance
 30 of the said Letter of *August* 29th last: And further saith, that he attended the Supreme Court at *Burlington*, in *November* last, the greatest Part of the Term; during all which
 35 Time, no Application whatsoever, was made by the said Committee, or any of them, or any for them, for having any Attornies or Council
 40 assigned them, for the Defence of the said Action; and since the End of the said Term of *November*, he has perused the Minutes of the Supreme Court during that Term, in which
 45 he has not found any such Motion to have been made; nor has he otherways heard that any such Motion was made: And further this Deponent doth verily believe, that no Appli-
 50 cation has been made to any of the Proprietors Council, by the said Committee, or any of them, or any Person for them, pursuant to the said Letter of *August* the 29th; because
 55 this Deponent has lately been told by *Joseph Murray*, *William Smith*, and *David Ogden*, Esqs; the Council concerned for the Proprietors in that Affair, that no such Application has been made to them, or either of
 60 them: And further saith not

ELISHA PARKER.

Sworn the 24th Day of March, 1746, before

ROBERT H. MORRIS.

By the Council of Proprietors of the Eastern Division of New-Jersey, met at Perth-Amboy the 14th Day of September, 1747, in Behalf of themselves and the rest of the General Proprietors of the Eastern Division of New-Jersey, whom they represent.

AFTER two great Riots committed at Newark, at each of which his Majesty's Goal of Essex County was broke open, and the Prisoners therein lawfully committed were rescued, and the Sheriff of the County, and other Persons whom he had called to his Assistance, were beat and abused; the Rioters, or some for them, were pleased by the *New-York Post-Boy* of February 17, 1745-6, to publish to the World a Narrative, setting forth, (what they said were) the Reasons why People were so exasperated: The Substance of which Narrative is, That the Proprietors have been guilty of the Invasion of Men's Rights, Properties and Possessions, and of manifold Oppressions and Frauds; That they have, under Colour of Right, sold the same Lands sundry Times; whereby the Purchasers are not only defrauded, but that even the whole Country is in Confusion; and that, THIS WAS THE ONLY SPRING OF THEIR MOTION.

We by our Publication of March 25th, 1746, did with Abhorrence deny the Charge against the Proprietors; and insisted, that no Instances could be assigned to support it, except in three Cases there mentioned; and that they were not Parties in either of them; and pointed out what we had long ago done to prevent Impositions on the People by them, and what we had done for the Relief of those who had been imposed on; and that even in all these three Cases, there had not been fifty Persons in fifty Years imposed on.

The Rioters and their Committee, by Petitions to the General Assembly, in April 1746, enlarge on the same Charge against the Proprietors, set forth in the said Post-Boy, and refer the Assembly to that Paper; and pray, that Way might be made for their Relief, by Application to the Head and Fountain of Justice.

Mr. Nevill, one of the General Proprietors, and a Member of the Assembly, answered those Petitions before the Assembly, Paragraph by Paragraph, and shew'd the many Untruths, Calumnies and Misrepresentations, of which they were composed; and particularly shewed by Mr. Ogden's Letter in said Publication, that they had in no Way been obstructed in applying to the Head and Fountain of Justice, if they had thought proper so to do, but the contrary; and consequently, that their Prayers to the Assembly were idle in themselves, as they prayed for what no Body hindered them of. These Petitions and Mr. Nevill's Answers are printed in the said Post-Boy of May 19th and 26th, 1746.

The Rioters Committee, suspecting the Rejection of their Petitions for the Reasons before, by a further Paper to the Assembly, entitled, *Proposals*, &c. were pleased to deny the Truth of a Paragraph of Mr. Ogden's Letter; by which he says, That by a Message he offered them a Tryal in an Action at Law, against any Person they would name; and they say, That that Offer is so agreeable to what they designed, that they readily accepted it, and named Francis Spier, against whom they would have the Action brought; and say, they would readily join Issue in it.

We by our second Publication of March 25th, 1747, by Affidavit, prove the Delivery of Mr. Ogden's Message, which was denied; and show, that in Compliance with the said Proposals, we did bring such Action as was thereby requested, that we gave full Notice of it, and desired the Committee to enter Francis Spier, or whom else they pleased, Defendant, and to join Issue; but that the Committee had absolutely declined doing it; and instead thereof many Riots were committed, and more threatened, and by Force sundry Persons were turned out of the quiet Possession of their Lands; as by that second Publication printed may appear.

Men who had any Regard to Truth, would not have charged the Proprietors, as before, with manifold Oppressions and Frauds, invading Men's Rights, defrauding the People, selling the same Lands sundry Times, and thereby putting the whole Country into Confusion; unless they had sufficient Instances of these Things to assign, in support of such Charges; and tho' challenged

by our first Publication to assign Instances, yet sixteen Months past, and not one Instance was publicly showed to the World to support those base Charges, nor no Fact of our said Publication denied, but one before mentioned; and that one by our second Publication is proved true.

Now in the last Month, viz. August 1747, a Paper, consisting of thirteen Pages in Folio, is published by Order of the Committee; and tho' it be plentifully stored with ill Language, and tho' they recur to Things transacted before, or soon after the Settlement of this Colony, which is now upwards of eighty Years, and have taken the Liberty of picking out against the Proprietors what they thought proper from that Time to this; yet so it happens, that either the Instances assigned, are false in Fact, or of such Matters as are and ever were just and lawful for every Man to do; as hereinafter shall be shown.

The Committee it would seem, are so sensible of their Defect on this Head, and consequently that their Charge against the Proprietors was meer Falshood and Calumny, invented and spread to incite the People to Riots and Rebellion, and to throw off their Allegiance to and Dependence on the Crown of Great-Britain, of which many flagrant overt Acts have now for two Years past appeared; and tho' they were at first pleased to say, that that Charge against the Proprietors was the only Spring of their Motion; yet by their last Publication it seems, they are now willing to drop that, and to start something else to be the Case in Question; which shows they are sensible, that the Laws are against them, and therefore they are determined to be against the Laws, and to calumniate them (as they before have done the Proprietors) and to overturn them.

For now they say, they will clearly manifest, that an Act of this Colony, concerning Purchases of the Indians, is unreasonable and manifest Injustice; and now that is become THE CASE IN QUESTION.

A daring Manifesto indeed! And tho' this be an Insult upon the Government, and most properly belongs to it to resent the Contempt of the Laws of the Community; yet, as not only the Proprietors but all others possessed of Property in Lands, according to the Laws and Constitution of this Colony, are thereby threatened, we shall consider all the Laws and Acts of this Colony on that Head, (as they are not pleased to name any one in particular) and show that they are reasonable and just. But before we enter on that, which they now call THE CASE IN QUESTION, we shall beg Leave first, to consider the Instances assigned in Support of the old Case, *The heavy and villanous Charge against the Proprietors*; which they before said, WAS THE ONLY SPRING OF THEIR MOTION.

The First Instance is in the Middle of page 2, and in a marginal Note there to this Purpose, viz. That one Mr. Pearson being intrusted with a certain Paper; he, Mr. Pearson, had declared, that at a Proxy Meeting (a Council of Proprietors was heretofore sometimes called so) that Paper was taken out of his Pocket; and therefore they might charge the Loss of that to some of the Proprietors.

As to which, we beg Leave to ask, How does it appear that Mr. Pearson declared so? And if he did, how does it appear that he declared true? If he had seen any Person take it out of his Pocket, could he not have named the Person, and taken his Course to get it back? If he did not see any Person take it, how could he be sure that it was taken? And might it not, for any Thing he knew, have been dropt any where else?

We find no Proxy Meeting at Elizabeth-Town (where they say this was done) ever since the Year 1689; for, from that Time, their Meetings have been at Perth-Amboy; so that Mr. Pearson must probably have been long ago dead; and therefore the Evidence of this Instance must be, that some Person or Persons have heard, or fancied they heard, Mr. Pearson say so;

And this is offered to the World to insinuate, *That the Proprietors were Robbers and Thieves three-score Years ago.* A civil and polite Instance indeed, to support the heavy Charge against the now Proprietors, and convincing Evidence of it!

5 The second Instance assigned, is at the Bottom of the second, and Beginning of the third page; it is said to be at the Proxy Meeting above mentioned, and is to this Purpose, *That the then Proprietors soon framed a Scheme to beguile and ensnare the People, into the taking of Patents for their Lands,*
 10 *some at a Half-penny Sterling per Acre, and some at Six-pence per Hundred Acres; and the better to draw them into it, they told them, it was to contribute towards supporting the Government, and to make their, the Proprietors, Yoke lighter; and that about the same Time, Governor Carteret gave Notice for all Per-*
 15 *sons to take Patents, and if they refused he would grant them to others; and that they, unapprehensive of the Snake in the Grass, (not knowing the Nature of Patents) complied with that Motion, and took Patents, some at Six-pence per Hundred, and some at an*
 20 *Half-penny per Acre; and that others, knowing their good Right without Patents, refused to take them, and so their Lands were granted to others; and that this was unjust and unrighteous Dealing.*

This second Instance is roundly related, and as circumstantially as if the Relators had been present: But, this being
 25 transacted at said Proxy Meeting, which for the Reasons mentioned in the first Instance must be about sixty Years ago, we think its improbable that any of them know it of their own Knowledge; wherefore their Evidence of it must be Hear-say, or rather it is their own bare Invention, or forging: That it
 30 has Marks of Invention and Forgery, will be evident from this, that the first Proxy Meeting (or Council of Proprietors and Proxies of absent Proprietors) was in November 1684, and Governor Carteret, their supposed Actor in this Plot and Scheme, was dead two Years before November 1684; and
 35 the People of Newark had taken Patents for their Lands in 1675 and 1676, which is eight Years before; and no one Patent for Lands in Newark was granted at Six-pence per Hundred, untill the Year 1692, which is eight Years after that first Proxy Meeting; and these were granted for a very
 40 different Consideration from what the Committee alledge, which we shall here-in-after set forth; These Things are obvious from the Records; and how probable it is that this Tale can be true, is left to be judged of from these Absurdities, or rather Impossibilities.

45 But if the Persuasion of, or Order to the People to take Patents, was a Scheme to beguile and ensnare them, and a Snake in the Grass; it was much older than any Proxy Meeting, even a Scheme framed Twenty Years before, viz. in the Year 1664, before the Settling of New-Jersey, by the Concessions of
 50 the Proprietors, to all who would come and settle in New-Jersey in the Times therein mentioned. The Scheme is there plain and at length, which any one may see recorded at Perth-Amboy, in Lib. 3, page 66, &c. And that Part thereof concerning Patents at a Half-penny Sterling per Acre, is briefly
 55 set forth in our first Publication, page 2, column 2; and also here-in-after repeated: And by perusing these Concessions, and those of 1674, in Lib. 3, 95, one may easily see, that the People were, by their Representatives in Assembly, to defray the Governor's Salary, and all other Charges of the
 60 Government; and that no Part thereof was to be paid out of the Quit-Rents; and whoever is acquainted with the Acts of Assembly past in Governor Carteret's Time, will find, that besides the taking Patents pursuant to the Concessions, they did raise the Governor's Salary, and all other Charges of the
 65 Government, pursuant to those Directions in the Concessions.

This second Instance, to support the heavy Charge against the Proprietors, if it falls short of that Purpose, yet it must be allowed, to be a noble Specimen of the Art of Invention, and a Mark how fearless the Committee is of broaching any
 70 Falshoods, however inconsistent; and of their Confidence, that if they be but against the Proprietors, it is no Matter how false they be, as they have fully exasperated and prepared the poor ignorant People to swallow them as Gospel.

The third Instance assigned, to support the heavy Charge against the Proprietors, is at the End of page 5, and Beginning of page 6, in these Words, viz.

80 "We find by the Instructions of Sir George Carteret, made on the 31st of July 1674, and given under his own Hand, and the Broad Seal of the Province, *That no Land whatsoever shall be taken up, but what shall be first purchased from the Indians;* which Instructions are upon the publick Records (Lib. 3. 95.) of the Province of New-Jersey, and the

"Original Mr. Willocks had: Now, how the Proprietors act in concert with these Instructions, the World may judge, when they are seeking to dispossess poor Men, and enter into their Labours; are not these the austere Lords (Luke 19. 21.) that would reap where they have not sown, and gather where they have not sowed. Let such but peruse the sacred Records (Mat. xxv. 24 to 31) they may read their Character and Doom both."

To this third Instance we beg Leave to say, that we have carefully perused those Instructions in the Place on Record cited, and in the Pages before and after, and do not find any Thing whatsoever concerning Indian Purchases, but these Words, viz. "That the Land is to be purchased from time to time, as there shall be Occasion, by the Governor and Council from the Indians, in the Name of the Lord Proprietor; and then every individual Person is to reimburse the Lord Proprietor, at the same Rate it was purchased, together with the Charges."

Whoever will compare this Rule with what is said in the third Instance, and at the same Time be assured, that these are the only Words in those Instructions relating to Indian Purchases; must stand amazed at the Boldness of the Committee, to assert a Thing, the Falshood whereof is so easily discovered.

If Men will adventure to advance a Falshood so easily detected, and from the Falshood so advanced, take Occasion to slander the Proprietors, as the Committee have done, and abuse the Holy Gospels, in bringing them to support such Falshood and Slander; what can be expected as to Matters of Fact, alledged to be transacted at a Distance, and not easily
 30 discovered!

And if the Committee will but read the Gospels cited by them, they will find, that the austere Lord was there unjustly called so; and that he who called him so, was the wicked and unprofitable Servant who was cast into utter Darkness, where
 35 shall be weeping and gnashing of Teeth: And they may find, that it is more like their own, than our Character and Doom; which is there pointed out.

If they will but also read Mat. xxi. 33, to 42. they may find the Picture of the Husbandmen still more like, *Who first beat and stoned the Servants of the Lord of the Vineyard, who were sent to receive the Fruits of it, and then kill'd the Heir that they might seize on his Inheritance; therefore when the Lord cometh, he will miserably destroy these wicked Men.*

The Committee may also consider, (from what we have said, and shall here-in-after say) whether these Words of Solomon be not applicable:

He that bideth hatred with Lying Lips, and he that uttereth a Slander, is a Fool.

A righteous Man hateth Lying; but a wicked Man is loathsome, and cometh to shame.

A false Witness shall not be unpunished, and he that speaketh Lies shall not escape.

They that forsake the Law praise the Wicked: but such as keep the Law contend with them.

Who so keepeth the Law is a wise Son; but he that is a Companion of riotous Men, shameth his Father.

We think we need dwell no longer on this third Instance, assigned to support the heavy Charge against the Proprietors; it is far from being any Proof to that Purpose, but a strong Presumption that they cannot, with Truth, assign any Instance, seeing they are put to the forging of what so evidently appears to be false; and a stronger Proof than the second Instance, that the Committee have no Regard whatsoever to Truth, and that they think they may advance any Thing, no matter
 65 however false, provided it carries along with it, a plausible Slander of the Proprietors.

The fourth Instance is in pages 8 and 9, where its said, "How has many of the People in Newark been plagued by them, or their Creatures, (Persons animated by them) what Resurveys have been made of Lands, even throughout their Bounds! and how many thousand Pounds hath it cost the poor People for Lands pillaged here and there!"

And afterwards;
 75 "As touching that absolute and wicked Falshood, as its termed, viz. Their threatening to bring a Resurvey upon Lands sold and patented, &c. Yea, more than so, many have actually done this among us, peeling and pillaging within the Bounds or Limits of Patents and Deeds, made and granted by the Proprietors themselves; And is their
 80 consenting unto such Surveys, and recommending of them into the Registry as Matters just and legall, any better?"

"As

“As also their daily countenancing and encouraging such Practices?”

This Instance consists in general Allegations, and indeed, in great Part seems unintelligible; wherefore we might pass it without any other Answer, untill the Committee shall be pleased to assign the particular Facts, which are the Proofs of these general Allegations: But, however, we shall now consider it in the several Senses that it may be taken.

It is to be remarked, that in the Petition to the Assembly, which is verbatim in Mr. Nevill's Speech, printed in the *Post-Boy* of May 19, 1746, the Petitioners were only pleased to tell the Assembly, “That the Proprietors had threatened to bring a Resurvey upon all the Lands, even such as were of themselves bought and patented, &c.” It seems it had not then come into their Heads to say, that the Proprietors had brought such *Resurvey*, as is now confidently averred; but even that Allegation Mr. Nevill very justly termed, a *wicked and absolute Falshood*; for, had ever such Intention been, he must have known it for the Reason he there set forth; and if the alledging we had threatened that, was a *wicked and absolute Falshood*, as really it was; we are at a Loss what Term to give to this their Allegation, that *its not only threatened, but done*.

The Committee in this fourth Instance, seem to play with the Word *Resurvey*, and endeavour to have it understood in different Senses; and, until the Meaning of that Word be understood, it is impossible that the Reader can comprehend the Meaning of what is here treated of.

A *Resurvey* meant by the before mentioned Petition, we understand to be this; Suppose the Proprietors had granted the Tracts A, B, C, D, E, F, G, &c. each of them containing certain Quantities of Acres; and because they suspected that these Tracts, or some of them, contained more than the Number of Acres mentioned in the respective Grants, they therefore would insist, that all or some of them should be *resurveyed*; and as to such as contained more Acres, that the Superplus should either be cut off, or that the Possessor should pay for them. This is what we conceive is generally meant by a *Resurvey* of all Lands, and seems the Sense used in said Petition, and in Mr. Nevill's Speech; and certainly Mr. Nevill was right in terming it, an *absolute and wicked Falshood*, that ever the Proprietors had threatened it.

Now, if any Proprietor has made any such *Resurvey* (which we believe not) we have Reason to be assured, that its without the Privy or Consent of the General Proprietors, or their Council; and if any Person has extorted any Money from the People, upon Pretence of such Overplus found by such *Resurvey*, we conceive the Law is open to recover back the Money with Damages, as Money paid without any good Consideration; or, if such Person be a Proprietor, and entitled to Dividends, if Proof be made of such Fact to us, we will stop his Warrants for his Dividends, till he pay back such Money, with Interest from the Time he received it. As for our Parts, we declare, we never heard of any one Instance, of any such Fact having been committed; and therefore believe that none such have been: But if there have, all the Assistance in our power shall be given for the Relief of the Person injured, and to deter others from being guilty of the like again.

Again, suppose the Proprietors had granted away the Tracts A, C, E, G, and had not granted the Tracts B, D, F, lying between them; if the running the Lines between the Tracts A and B, or between the Tracts B and C, or between C and D, or between D and E, &c. and electing, surveying, recording and appropriating the Tracts B, D, F, &c. which were before that remaining in common among the Proprietors; be the *Resurveying* meant by the Committee, which we suspect it is; then this is playing with Words, by giving a different Meaning to the Word *Resurvey*, from what its commonly understood in, and from what was understood by it in said Petition; and if the appropriating the Tracts B, D, F, &c. be what is meant by the hard Words, plaguing, peeling, and pillaging, as we suppose it is, for Reasons which we shall here-in-after more particularly point out; then we submit it to the World, how justly those hard Words are applied to us.

The Committee do either misunderstand, or misrepresent, when they talk of the Proprietors consenting to Surveys, and their recommending them into the Registry: The Council of Proprietors examine the Title of all Claimers to Shares of Propriety; and upon their Titles appearing clear on Record, down from King Charles the Second, and not till then, grants

them Warrants directed to the Surveyor-General, for their Share of past Dividends, for which no Warrants had before been granted; and when such Warrant is granted, the General Proprietors, and their Council, do usually intermeddle no further in the Matter; for, as to the Quantity of Acres in the Warrant, the Person obtaining it is a Tenant at Election, and he or his Assigns, can chuse the Place or Places where they will have the Quantity placed; can employ such lawful Deputy of the Surveyor General in any County, that they please, to survey the Quantity; which being brought to the Surveyor General, and the Work examined and corrected by him, he forms the Certificate of Election, or Return of Survey, for the Registry; and he, by himself or Deputy, records it, without any Application whatsoever to the Proprietors, or their Council; unless in some extraordinary Cases.

The fifth Instance assigned, is in page 9, and the Fact charged is, That *their Deeds* (meaning some Deeds of particular Proprietors) run, *For such a Consideration, &c. A Tract of unappropriated Land, in this Province or Eastern Division, &c.* And they say, *they can bring a Cloud of Witnesses to prove this*; and are at great Pains to usher in and surround this Instance with a Parcel of ridiculous Tales and Calumnies; so that, tho' the Thing should be lawful and just, yet it shall appear with a horrid and terrible Aspect to the Reader.

In Answer to this Instance, we shall first beg Leave to consider the bare Fact, without the Tales surrounding it; and then give a Specimen of the Tales.

And in Order to this we say, it is evident by the Concessions, that whatever Person imported himself or Wife, Children or Servants into this Province, in the Times therein mentioned, was intitled to have a certain Quantity of Acres, granted to him for every Head so imported, (which Bounty was called *Head-Lands*) on the Quit-Rent of One Half-penny Sterling per Acre; and the Method prescribed by the Concessions, for obtaining the Grant of that Quantity of Acres, is, that the Person should prove to the Governor the Number of Heads imported; and thereon the Governor was to grant to him a Warrant, for surveying the Quantity of Acres due by the Concessions; then the Surveyor General was to survey that Quantity, and make Return of it; which being recorded, a Grant or Patent was to be made out under the Seal of the Province, for the Land surveyed, in Fee-simple, rendering Yearly One Half-penny Sterling per Acre.

Now, suppose a Person who had obtained such Warrant as before, should incline to sell the whole Quantity of Acres in the Warrant, or any Number of Acres part thereof, before the Survey; had he not a Right so to do? We conceive he had; for, as the Patent was to be in Fee-simple, he unquestionably could sell the Whole, or any Number of the Acres of it, after it was granted; and why should he not be intitled to sell before its granted, on his Right to a Patent appearing by the Warrant of Survey? by which the Buyer would be in the Place of the Person who obtained the Warrant, so far as the Quantity of Acres bought; and would be in like Manner intitled, by his Purchase, to a Survey and Patent, as the Person who obtained the Warrant would have been.

Governor Carteret we find, never doubted, but that People having obtained Warrants, had such Right, and made no Scruple of granting Patents to the Purchasers, for the Quantity of Acres so purchased; and we find Multitudes of Instances on Record, where People sold the whole, or part of what they were intitled to by such Warrants, before the Survey; and even many Instances of Sales of such Persons Rights, by Virtue of the Concessions, before obtaining the Warrant, and the Purchasers at their own Risque obtained the Warrant, Survey and Patent. Sundry of these appear in *Newark and Elizabeth-Town*, by Schedules, Num. IV and VIII, annexed to the Proprietors Bill in Chancery, mentioned in our first Publication; in which the Books and Leaves on Record are referred to, where such unappropriated Land appears to have been conveyed, some Sixty, some Seventy Years ago; and the Books of Record show many Hundreds of Conveyances, of the Bounties of Land agreed to be granted by the Concessions, before Appropriation; whereof many are before, and many after the Granting of the Warrant, and before Survey; and till now, no Body (that ever we heard of) imagined, that the Persons selling or buying of such Land before Appropriation, did thereby any Thing unreasonable, unlawful or unjust; and the Proprietors (who were the only Persons who could with any Colour of Reason, cavil at such Sales) never refused to the Buyer, the Warrant, Survey and Patent, which the Seller would have been intitled to by the Concessions, had

had he not so conveyed; and had they so refused, there would have been some Cause of Complaint, for denying what was equitable and just to be done.

The Bounties for Heads imported, continued to January 5 1685, and then ceased; the Proprietors then proceeded to the laying out of their first Dividend, of Ten Thousand Acres to a Propriety (or Twenty-fourth Part) of the Eastern Division of *New-Jersey*, and so in Proportion to every Share greater or less; which had before been agreed on. A Council 10 of Proprietors, and Proxies of absent Proprietors, was established, for examining and inspecting the Rights of all Claimers to a Share of Propriety, who on proving their Rights before them, ordered Warrants to the Surveyor General, for the particular Quantity of Acres due to each Claimer, as his Pro- 15 portion of that Dividend.

Now, when any Proprietor had obtained such his Warrant, as he might by Virtue of it have his Quantity of Acres therein mention'd, surveyed, laid out, and appropriated to himself, in any Place not before appropriated; so, had he not a Right 20 to sell the Whole, or any Number of Acres due to him, appearing by his Warrant, before the Survey thereof? By which the Buyer was put in his Place, Stead and Right, as to so much as was sold: Was there any Thing unjust and unreasonable in this? Or, for one free Subject to sell what Right he 25 has to another? For our Parts, we know of nothing Blame-worthy therein; and till now, we never imagined that any Man, or Number of Men, would have had the Folly and Assurance to tell the World that there was; and not only so, but to rely on it as the grand Instance, to prove the heavy 30 Charge against the Proprietors, of being guilty of manifold Oppressions and Frauds, &c. THE ONLY SPRING OF THE RIOTERS MOTIONS, as they have said.

True it is, that as it was a common Practice, begun soon after the Settlement of this Province, for those intituled to 35 Lands unappropriated by Warrants for Head-Lands, to convey them before the Survey; so, when Bounties of Head-Lands ceased, and the Proprietors obtained Warrants for their Dividends, they either got the Quantity of Acres in their Warrants surveyed, laid out, and appropriated to themselves, or sold the whole, or what part thereof they thought 40 proper, before the Survey; by which the Purchasers stood in their Places, as to the Quantities bought. This was not only practised on the first Dividend, but on all the many Dividends since, and probably will be on all the Dividends hereafter to be made; and, instead of being an Injury, it has been, 45 and may be, a great Advantage to the Inhabitants of this Province, who are not Proprietors; because they very often know of Lands of very great Value remaining unappropriated; and as there are many Proprietors intituled to Lands 50 unappropriated, they have by that Means the Opportunity of trying who will sell cheapest, and of purchasing part of the Lands due at the cheapest Hand, and of having the Lands they before knew of, surveyed and appropriated to them on the Right so purchased: And if it is such Deeds as in this fifth 55 Instance are mentioned, that are to support the heavy and villainous Charge against the Proprietors; the Committee may spare the Trouble of their Cloud of Witnesses to prove that such have been, seeing they will be at no loss to find many Thousands of them upon Record, both in the Eastern and 60 Western Division of *New-Jersey*; and may see, that a great, if not the greatest Part of the Lands in *New-Jersey*, are held under such Deeds; and the Records also show, that several, if not all of the Committee, who appear to be such by the Papers in our second Publication, have had Lands surveyed 65 and appropriated to themselves, upon such Deeds, many Years ago.

This is the naked Truth of the fifth and grand, and relied on Instance, assigned to support the heavy and villainous Charge against the Proprietors; a Thing not only lawful and 70 just, but of great Advantage to the Inhabitants of this Province, who are not Proprietors.

The Committee were no Doubt sensible, that a bare and naked Relation of the Fact assigned in this fifth Instance, to support the heavy Charge against the Proprietors; could not 75 easily be swallowed down, even amongst the deluded Multitude, as a Proof of the villainous Charge; therefore they have laboured to surround it, with a parcel of ridiculous Tales and Calumnies, of their own Invention, without any Truth or Foundation: and consequently unworthy of any Reply; 80 but however we shall observe upon some of them, further to shew the Shamefulness of the Committee, and what little Regard they have to Truth.

In page 9, before the Instance assigned, they say, "Besides, it appears plainly by what Mr. Newill asserts, That they would have all the Lands surveyed which themselves have not sold, (and we believe have long waited for an Opportunity to get an Act of Assembly for that Purpose) that they may put off some more of their false Wares, sham 5 Titles, &c. which, tho' they call it a Calumny, or false Accusation, yet woful Experience has plainly shown and taught us the Contrary."

To which we say, they need not assign what Mr. Newill 10 asserts, to prove that the Proprietors would have all the Lands surveyed, which the Proprietors have not sold or granted away; for, as they have the Grant of the Crown of England for them, as in our first Publication is set forth, and are thereby intituled to them; so they have been surveying, granting, 15 leasing, and selling parts of them these four-score Years past; and still are so doing, as they thought and think it lawful for them to do, as by most of the Leaves of the Records, both of East and West-New-Jersey, in all that Time appears: So, for the same Reason, they have good Right to continue to 20 survey and divide amongst them, and to lease and sell every Foot of the Lands of East-New-Jersey, not sold or granted away by them, or those under whom they claim, untill the whole be surveyed and divided amongst them.

With what Truth can the Committee say, as they have done, 25 that they believe the Proprietors have long waited for an Opportunity to get an Act of Assembly to do that, which they, and those under whom they claim, appear by the Records to have been daily doing for these four-score Years past, ever since the Settlement of *New-Jersey*? The Answer is plain, Its no 30 Matter for the Truth, if it but serves to introduce a plausible Calumny and Slander of the Proprietors, and their Titles; and are not the Proprietors false Wares, sham Titles, &c. plausibly enough here introduced in an under Plot, while the Tale serves for an Introduction to the grand Plot, that admirably 35 contriv'd fifth Instance before set forth?

With like Truth, and no more, is the Tale at the Rear of this fifth Instance freighted; wherein it is asserted, That a Man who purchases a Right to take up Lands unappropriated, and happens to place it on Lands before appropriated, that there- 40 fore he must lose his Money; For no Proprietor in his Senses could ever tell them so; nor, that the Purchaser for his Redress gets nothing but the Name of Fool; seeing, if such a Purchaser, (who is so far in place of a Proprietor) or any other Proprietor, happens to place his Right on Lands before appropriated, its 45 well known to be the constant Course, agreeable to Reason, that upon clear Proof thereof to the Surveyor General, and Release to the Proprietors, of what was by mistake so surveyed; he may have the Quantity else-where surveyed and appropriated to him: Or, if the Proofs appear doubtful to the Sur- 50 veyor General, and the Council of Proprietors shall think them sufficient, they may, and do, upon like Release, give a new Warrant for the Quantity so, by mistake, misplaced; and, as the Committee in page 10, are pleased to own, that there is Land enough even to this Day; the Purchaser surely can run no 55 Risque of losing his Money by a Mislocation.

After above fifteen Months Endeavours, to gather Instances to support the heavy and villainous Charge against the Proprietors, set forth in the Post-Boy of February 17, 1745-6, and in the Rioters and their Committee's Petitions to the Assembly, and 60 which the Rioters averred to be THE ONLY SPRING OF THEIR MOTION; and which Instances they were challenged by our first Publication to shew; these Five are all the Instances they have in that Time scraped together and assigned to support it.

The first Instance appears to be, a ridiculous and cruel 65 Slander and Calumny, invented and forged of Persons long ago dead, by a Fact groundlessly pretended to have been done about three-score Years ago.

The second Instance appears to be, a meer Invention and Forgery of Tales and Falshoods, Absurdities and Impossibili- 70 ties jumbled together; and of Things pretended to be done also about three-score Years ago.

The third Instance is an impudent Assertion, Falshood and Forgery, that there was such a Rule in such a Folio of the Records; when no such Rule ever was there, or any where 75 else; forged for no other Purpose, than for a plausible Handle to throw a Heap of Dirt and Slander on the Proprietors, for not observing that Rule that never was; and taking in the Aid of the Holy Gospels, the better to support that Forgery, Falshood, and Heap of Slander.

The fourth Instance, is a playing with the Word *Resurvey*, in different Meanings, and from thence throwing Heaps of 80 Slander

Slander and Calumny : Take that Word in the usual and common Acceptation and Meaning, and, as we have first explained it, no Fact can be proved to support this Instance, as we believe ; if any such Fact can be proved, we disavow it, and will give the Injured all the Assistance in our Power, to obtain Redress : Take that Word *Refurvey* in the second Sense, which we have assigned, and which we suspect is there meant by the Committee ; then the Thing is obvious to be lawful and just, and that there is no Ground for the Slander and Calumny.

10 The fifth Instance, which seems what is chiefly relied on, and greatly laboured, being guarded in Front and Rear with Heaps of Falshood, Slander and Calumny ; yet, when considered, is neither unreasonable, unlawful nor unjust, but greatly beneficial to the Inhabitants of this Province, who are not
15 Proprietors ; a Thing practised from the first Settlement of this Province, and ever hitherto ; a Thing upon which a great, if not the greatest, Part of the Titles of this Province depend ; a Thing which not only this Province, but all Countries where there is Freemen with Property transferrable, have ever practised, and will practice, *viz.* To transfer such Property whereof
20 one is Owner at his Pleasure ; one would never have suspected, that such a lawful and reasonable Thing should have given Ground for Slander and Calumny, or have been offered to support such a heavy and villainous Charge against the Proprietors ;
25 But we see it is.

Tho' these be all the Instances assigned in print, to support the heavy and villainous Charge against the Proprietors ; yet, we hear, that there are many other Tales, Forgeries and Falshoods, spread and believed amongst the Clubmen and their
30 Favourers ; and, to mention one of them in particular for a Specimen, we hear, that its with great Industry reported and spread, That many People have bought their Land of the Proprietors twice, and some three Times, and yet expect to loose it at last : which, were it true, would certainly be a very great
35 Hardship. This Tale is so commonly and so often repeated, that even many well-meaning People believe it to be true ; and think, that so many People would not say it, if it were not true : We have been informed, that one Man who had seen our first Publication, and found we positively denied this
40 Charge, and that we challenged them to produce any other Instances than what we mentioned in our said first Publication, and wherein we shewed we were not guilty ; he hearing this Tale repeated by one, with great Asseverations to the Truth of it, ask'd him, What Reasons he had to believe this to be
45 true ? The Reporter answered, That not only every Body believed it to be true, but he himself knew several Instances of some of those Instances, which, he said, were in his own Knowledge : The first Instance he told him of, upon Examination he found to be this, The first Buying appeared to be
50 of an Improvement, as its called ; [that is, a Man sits down on the best Spot of Land he finds, not actually possessed, without enquiring who the Owner is ; he builds a little Hut on it, and sometimes a small Log-House ; he kills the best
55 Spot of timbered Land, because easiest cleared ; and takes a Crop or two from it, and then sells it ; And this is called buying an Improvement] So this Improver, or more properly Trespasser, Waster, and Destroyer, was the first Proprietor that the Man bought of, and who gave him a Deed ; upon Enquiry
60 the second Proprietor he bought of, proved to be an Indian passing by, who, for two or three Drams of Rum, gave him another Deed for the Land ; the third Proprietor happened to be Jacob Arents, mentioned in our first Publication, and here-in-afterwards ; who, for a Trifle, gave him a third Deed ;
65 But, all this Time, the true Owner was never once sought after, or applied to. Some other Instances the Man assigned, but upon no better Grounds, as appeared upon Examination.

From this Example may be seen, who are those Proprietors that they name, when they are put to assign Instances : The
70 Committee are too sensible of this, to adventure to assign any of them in print, because they can be so easily exposed ; but find their Account much better to tell the Tale in general, and when put to it, name some particular Men who have bought two or three Times, and take some Care to name
75 Persons at such Distance, as, those to whom the Tale is told cannot easily examine into the Circumstances ; and, by this Means, Multitudes of well-meaning People are imposed on to believe, that the General Proprietors are the Guilty ; whereas most commonly, its the very Persons who are said to have
80 bought so often, that are the Guilty ; by knowingly, for Trifles, getting Deeds from Persons who have no Right. But, as in our first Publication, its not in our Power to hinder

wicked Men from becoming Proprietors, either by Purchase or Descent ; we are far from desiring, that we should be understood to say, that no Proprietor has been guilty of Injustice, tho' we say (as there) that there is a greater Tye upon them to be Honest, than on other Men ; which, we believe, makes them in their Proprietary Affairs, more honest than in their other Concerns.

THE NOW CASE IN QUESTION.

We shall now proceed to consider what the Committee, by this their Answer, are NOW pleased to call THE CASE IN QUESTION, *viz.* That they shall clearly manifest, that an Act of this Colony, concerning Purchases of the Indians, is unreasonable and manifest Injustice : And, in order to consider it, (as they are not pleased to name any one Act in particular) we think it proper to take a Review of the Laws of this Colony that concern that Matter ; and, in the Course of that Review, shall take some Notice of what the Committee have alledged in their said Paper.

As this is an English Colony, the common Laws of England were, and are, unquestionably in force in it ; and, by the common Law, the Crown of England is entitled, 1st. to all void and uninhabited Countries, discovered by any of its Subjects ; 2dly. By the same common Law, the Crown of England has the sole Right of treating with any heathen Nation whatsoever ; and consequently the Right of restraining all its Subjects from such Treating, except such as the Crown grants that Liberty to ; 3dly. By the same common Law, all Lands within the Dominions of England, must be held mediately or immediately, by Grant from the Crown.

As these are Rules of the common Law of England, so we have Reason to believe, that they are Rules of Law in all civilized Monarchies whatsoever ; and that in all of them, the Crown is the Fountain of Right, as to all Lands within their Dominions respectively.

Now, supposing (but not granting) that the Crown of England had no other Right to New-Jersey but by the above Rules, (for other Rights the Crown had thereto, as by the Bill in Chancery, mentioned in our first Publication, which is now printed and published, and to which we refer, appears) and suppose also, that before the Year 1664, New-Jersey was partly inhabited by Heathen Nations called Indians, and partly void and uninhabited ; (the last Part of this Supposition we think we may take for granted, as not one Acre in a Thousand was planted by the Indians ; nor had they any
45 Notion of Property in Lands more than in Air, before the coming of the Christians amongst them : But, should that be denied to be granted, yet the first Part of the Supposition is enough for our Argument) which being supposed, it appears by our first Publication, that the Crown of England (before any Englishmen had ever settled in New-Jersey) by Letters Patent under the Great Seal of England, in the Year 1664, granted New-Jersey to the Duke of York, with all the Right of the Crown thereto in Fee-Simple, to be holden of, and rendering to the Crown, as therein is mentioned ; And the
55 Duke in the same Year, granted New-Jersey to Lord Berkley and Sir George Carteret ; by which only it is evident, that they were intitled to such Parts thereof as were void and uninhabited by those Indians ; and, as to such Parts as were inhabited by these Indians, the Grantees were (in the Crown's Place and Right) entitled to the Sole Right of treating with, and purchasing of those Heathen Nations, what Claim they had to the Lands inhabited by them.

And in the said Grant to the Duke, there is an express Clause, *impowering him and all Ministers and Officers, by him his Heirs or Assigns to be appointed, to encounter, expulse, and resist by force and Arms, and all Ways and Means whatsoever, all such Person and Persons as, without the special License of the said Duke, his Heirs or Assigns, should attempt to inhabit within the Limits of the Territories granted to him by the said Letters Patent.*

The Proprietors, Lord Berkley and Sir George Carteret, being intitled to New-Jersey as before, had Right to debar and exclude all Englishmen and others, from settling or inhabiting therein, and from treating with the Indians thereof, so long as they thought proper ; and they had also Right to prescribe such Terms as they thought proper, upon which they would permit Englishmen or others to plant and inhabit the same ; and if none liked the Terms so prescribed, there was no force on them to accept of them, and they might keep from and
80 out of New-Jersey ; but if they would presume to come and plant and inhabit, without complying with the Terms prescribed,

scribed, they were Trespassors in so doing; and the Proprietors and their Officers had a Right to resist and expell them, by all Ways and Means whatsoever.

The Proprietors Lord Berkley and Sir George Carteret, in the same Year 1664, agreeable to the Right and Powers they were vested with as before, did grant a CHARTER OF CONCESSIONS to all Persons who would adventure to transport themselves to *New-Jersey*; by which CHARTER a Form of Government was established, in a Governor, Council and Assembly of the People; their Duties and Powers severally are therein particularly set forth; as also the Duties and Powers of the other Officers of the Government that was to be in *New-Jersey*. The said CHARTER OF CONCESSIONS does also, in a most particular Manner, set forth the Terms and Conditions upon which the Proprietors consented that any Man should settle, inhabit, obtain, and hold Lands in *New-Jersey*; to wit, that every Person coming to *New-Jersey*, in the Times therein limited, should be intituled to have certain Quantities of Acres therein set forth, granted to him, at One Half-penny Sterling per Acre, yearly Quit-Rent, for himself, Wife, Children and Servants, per Head; and the Method of obtaining that Quantity of Acres, is very particularly prescribed, to wit, first obtaining a Warrant to the Surveyor General, to survey and lay out the Quantity, to which the Person obtaining the Warrant, has shown he was intituled to by the Concessions, for Heads imported: 2dly, The Surveyor General was to survey, butt, and bound the Lands contained in the Warrant, and make Return thereof; which being recorded, in the 3d and last Place, a Patent, or Grant to the Person, was to be made out and past, under the Seal of the Province, in the Proprietors Names, for the Lands so surveyed; to hold in Fee-simple, at a Half-penny Sterling Quitrent per Acre yearly; and the Form of the Patent or Grant, is Verbatim set forth in the Concessions: And by the said Concessions, its expressly declared, That all Lands that shall be possessed in *New-Jersey*, are to be held on these Terms and Conditions, at large mentioned in the said Concessions; and which Concessions, do refer to the Instructions to the Governor and Council on that Head; as by the same Charter of Concessions, recorded in Lib. 3. page 66 to 74, which are partly set forth in the said printed Bill page 12 to 16, fully and at large may appear.

And by the Instructions to the Governor and Council, referred to in the Concessions, and at the same Time granted; there is an expresse Declaration, That they have no Power or Authority to make any Manner of Grant, Conveyance, or Demise, or other-like Disposition of any Lands lying within, or being part of the said Province, but according to the said CONCESSIONS and INSTRUCTIONS, reserving a Half-penny Sterling yearly Quit-Rent, per Acre; as, by the same Instructions recorded in Lib. 3. other End, page 28, &c. may more fully appear.

At the same Time the said Proprietors (by Commission recorded in Lib. 3. page 27) appointed Philip Carteret Governor of *New-Jersey*; and soon afterwards he failed from England, with a considerable Number of People, for the settling of *New-Jersey*, and arrived safe there; and in August 1665, he began and exercised the Government of *New-Jersey*, pursuant to the said Commission, Concessions, and Instructions; and afterwards many Ships were, from time to time, sent by the Proprietors with People to *New-Jersey*, for the planting thereof: Which Government of the Proprietors continued (tho' with some short Interruptions) from August 1665, until the Year 1703, after they had surrendered it to the Crown; as in our first Publication is set forth.

From whence its evident, that if any Claim to Lands in *New-Jersey*, be set up under Governor Carteret, other than by Warrant, Survey and Patent, as the said Concessions and Instructions do direct; it must be absolutely void in itself, as being without any Authority from the said Proprietors: Wherefore, if he had granted a Licence to purchase of the Indians, and even therein granted that they should hold the Lands purchased, without complying with the Concessions; such Licence would have been, in itself, absolutely void, for want of Authority to make it; But, as he had no Power to grant any such Licence, so we have sufficient Reason to believe, that he never presumed to grant any such; because, all the Licences to purchase, that appear upon Record to have been granted by him, do contain a Condition, That the Person to whom granted, do truly perform all such Acts and Things, as are contained in the Lords Proprietors Concessions; whereof eight of such Licences are pointed to on Record, by the Note on Mr. Newill's Speech to the Assembly, printed in the Post-Boy of May 26, 1746; one of which is only seventeen Days before, and ano-

ther less than four Months after the Date of that pretended Licence, set forth by the Committee in their second Page; and were the Original of that Licence in Being, we doubt not but that Condition would have appeared in it: But what they publish as a Copy of the Licence, they themselves there afterwards own, that it was but a careful Extract;—careful in leaving out that Condition; but, however, so far Honest, as to put an &c. in the Place of it; which shows, that the Original contained Something which was there omitted; and what that Something was, those other Licences on Record, granted nearly at the same Time, before and after it, do plainly point out to be That Condition of complying with the Concessions; especially seeing, he had no Authority of granting it without such Condition, and therefore would have been void without it: Who the careful and honest Extractor was, we shall here-in-after mention.

Great Strefs seems to be laid by the Committee on that Licence, (tho' they no Way show any Concern that they have with it; and hereinafter we shall show, that they have none) which Strefs, if it could with any Colour bear, the Law is the proper Teste to try it by: However, we shall add a few more Words on that Head, viz.

Either that Licence was granted with the Condition of complying with the Concessions, as other Licences were; or, it was granted without any such Condition, as the Committee alledge it was: Now, if it was without such Condition, we deny that Governor Carteret had any Authority to grant it so; and it will lie upon the Committee to shew that he had; and if they cannot, then that Licence was void in itself, and the Purchases made upon it, must, in Consequence, be also void, without the Help of any Act of Assembly declaring them so; and not only so, but Governor Carteret and those who acted by that Licence, were Criminals for usurping, without Leave or Authority, that Right of the Crown which had been granted to the Proprietors.

But if that Licence was with the Condition of complying with the Concessions, as we see all other of Governor Carteret's Licences were, then its obvious that the Lands were not to be held by that Licence, and the Purchases made upon it; but the Purchasers were, by the Condition of complying with the Concessions, to apply for Warrants, for surveying to them out of the Lands purchased, such Quantities of Acres as they were intituled to have, for importing themselves, their Wives, Children and Servants, per Head; and those Quantities to get surveyed, returned, and recorded; and thereon a Patent was to be granted to them, under the Seal of the Province, in Fee-simple, rendering yearly a Half-penny Sterling per Acre; and it was by that Warrant, Survey and Patent, that they were to hold the Lands, and not by the Licence and Indian Purchase; And that this was the Intention of Parties, appears by the great Numbers of Warrants, Surveys and Patents, to the People of *Newark* in the Years 1675 and 1676, entered upon Record in the Places pointed to by Schedule Num. IV. annexed to the Bill in Chancery before mentioned, and which appear in Pages 91 to 96, in the printed Copies of that Bill: And if a sufficient Number of Heads was not imported in Time, to intitle to Patents for the whole Lands purchased, it was the Purchasers own Faults; for that was the Condition upon which they were to have the Lands: And they cannot complain of want of Time sufficient for that Purpose, seeing the Time for the Bounty per Heads, was continued until the Year 1685, tho' engaged only for four Years by the first Concessions. From which it follows, that if any Person, having made such Purchase by such Licence, with Condition to comply with the Concessions, and yet pretended to hold the Lands purchased, without complying with the Conditions; he certainly therein acted unjustly and wickedly, to make such Claim; and it was just and reasonable that such Claim should be declared void by Legislative Act, as undoubtedly it always was before such Declaration. From whence it also follows, that whether the said Licence be with or without the Condition, yet all Claim to Lands, by Virtue of the Indian Purchase Deeds, was void.

We never said, That any of the Concessions, Rules, or Acts made by the Proprietors, rendered Men seditious and criminal, who treated with the Indians about their Lands; as the Committee are pleased to suggest; But did, and do say, That the common Law of England, which placed those Rights in the Crown, here-in-before mentioned, long before *New-Jersey* was thought of, or had that Name; made it seditious and criminal, in any Subject or Subjects, to infringe, break in upon, or to usurp those Rights of the Crown: So that those Concessions, Rules, or Acts made no Crime, but declared and made

made known what was before, by the common Law of England, and of all civilized Nations, criminal, viz. to treat with the Indians or any Heathen Nation about Lands, without the Licence of the Crown, or to pretend to hold Lands within the English Dominions, from any other Fountain than the Crown; for the First is an Usurpation of the Right of the Crown; and the Second, a Withdrawing of Allegiance, and renouncing the King's Authority; either of which, if not high Treason, doth very nearly approach it.

The Times limited by the said first Concessions, for granting Bounties of Head-Lands, for the Importation of People; being expired, the Bounty was continued afterwards by the Second Concessions of 1672, recorded in Lib. 3, page 59, &c. and by the Third Concessions of 1674, recorded in Lib. 3, page 94, &c. by which second and third Concessions, an End was put to the granting of Licences to any Persons to purchase; and all Purchases of the Indians thereafter, were to be made by the Governor and Council, and the Deeds to be taken in the Lords Proprietors Names; a Copy of the Words to that purpose in the third Concessions, is herein before incerted, under the third Instance; in both which second and third Concessions there is a Clause in these Words, viz. "That all Grants of Lands, Conveyances, Surveys, or any other Pretences, for the hold of Lands whatsoever within our said Province, that are not derived from us, according to the Prescriptions in our Concessions, and entered upon Record in our Secretary's Office in our said Province; We declare to be null and void in Law."

But against all the Concessions the Committee in their 8th page, are pleased to object, in these Words.

"It looks strange to us, that the Concessions, &c. they now tell us of, that laid such Restrictions upon the People, should be kept so close and secret, for so many Years, as never to be known or heard of by the Generality of the Inhabitants, (of these Parts especially) until even now in these late Publications." And in another Place in the same Page, "Neither did our Predecessors know or conceive of any such Thing as a Patent, till some considerable Time after they had, by the Governor's Advice and Consent as afore said, made their Purchase, and settled themselves thereon: And when they did yield to take Patents, &c. it was only in Compliance with the Proprietors Scheme, for Support of Government."

To which we answer, That we believe the Generality of the Inhabitants of these Parts, who are Rioters, are but lately come into New-Jersey, and so may not have heard of the Concessions until these late Publications; (tho' there have been few Trials of Titles of Land in the Eastern Division of New-Jersey, but the Concessions have been one Part of the Evidence) But to alledge this of the first Inhabitants of Newark, (whom they insinuate are their Predecessors) and that they knew nothing of Patents so plainly directed by the Concessions, till after their Purchase; cannot, from the Nature of Things, pass upon People of any Sense for Truth. Doth it stand to Reason, that they would treat with Governor Carteret concerning these Lands, (as they must have done before they obtained a Licence from him to purchase them of the Indians) and not see the Powers he had to treat with them? which were the said Concessions and Instructions; The suggesting that they were so weak and silly as not to see his Powers, does no great Honour to the Memory of their pretended Predecessors.

Could their pretended Predecessors think, that Lord Berkley and Sir George Carteret, in Recompence for their faithful Services to King CHARLES the First, and to King CHARLES the Second, and the Duke of York; had obtained a Grant of the Province of New-Jersey, and had been at great Charge in erecting a Government there, sending over a Governor, Officers and People to plant and settle in it; We say, could their pretended Predecessors be so silly as to think, that they had impowered that Governor to give away all the Lands of that Province, without any Terms or Reservation to the Lords Proprietors? This may be thought too ridiculous to suppose: But yet, for as ridiculous as it is, these Suggestions of the Committee do, in Effect, suppose it; and in another Place in the same Page 8, they do in Effect say it, and wonder that People would suppose otherwise. The Committee think they are very safe in taking the Negative Part of the Argument, as to Notice of the Concessions, thinking it impossible that we can prove a Notice of a Thing done above four-score Years ago; and, indeed, in the Nature of Things, it must be supposed very difficult; and yet, we think, we have Evidence enough to convince any reasonable Man.

For, in general, there are few Leaves in the Records together, for Forty Years after the Settlement of this Province, but there is either express Mention of the Concessions, or Things done in pursuance of them; one particular we shall here observe on, which we find in Lib. 1, page 18, &c. viz. The Articles for the Settlement of the Townships of Woodbridge and Piscataway, made with Governor Carteret, dated the 21st Day of May 1666, which is seven Weeks and two Days before the pretended Newark Licence; And in these Articles there is clear and express Mention of the Concessions, and of the Nature of Patents, of the Proportion of Land that every Man was, by the Concessions, to have Patents for, and of the Half-penny per Acre Quit-Rent to be reserved in the Patents; There were twelve Articles in all agreed on with them, whereof First and Fifth appear in the 29th Page of the said printed Bill in Chancery. There is many other Things on Record before the Date of the pretended Newark Licence, which mention the Concessions. Now, as by these it appears that Governor Carteret made no Secret of the Concessions, but acquainted the People, who were about to settle Woodbridge and Piscataway, with them, and many other People; what Reason can there be imagined, that should induce him to hide them from the People who were about to settle Newark? Or, if any Reason could be imagined, is it likely that he could keep them secret from them, when it appears, that he had before communicated them to so many others?

But from that Agreement, for the Settling of the Townships of Woodbridge and Piscataway, on Record, another Thing with Reason is to be inferred, viz. That as he agreed on Terms agreeable to the Concessions, with the intended Settlers of these two Towns; is it likely, that he did not also agree and enter into Articles with the intended Settlers of Newark, agreeable to the same Concessions, before he granted them a Licence to purchase of the Indians? Surely Reason dictates that he did, otherwise he would not have granted a Licence; and, as its agreeable to Reason to believe so, we doubt not, if ever that Point should come in Question in Law, but we shall be able to prove, that many Weeks before the Date of the pretended Newark Licence, there were Articles with the intended Settlers of Newark; and that these Articles were no less than Fifteen in Number, which is three more than Woodbridge and Piscataway had; and that there were in them express mention of the Concessions and of Patents, as in the Articles of Woodbridge and Piscataway, and that these Articles were settled with long Thought and Deliberation, and Corrections and Alterations mutually made, proposed and agreed to in them; and that Capt. Treat and Mr. Gregory, their Agents in this Affair, did read the Concessions; and that one Alteration proposed, was concerning the Quit-Rent of a Half-penny Sterling per Acre, to which Governor Carteret answered, "I cannot grant any Exemption from the Payment of the Half-penny per Acre, it being all the Advantage that the Lords Proprietors reserve to themselves; and besides, it being so inconsiderable, that I shall not desire any Abatement of it for my own particular." To another Alteration proposed, he answered, "For the Purchasers being out of Purse, I cannot help them therein; In my Opinion, those that settle with them in that Tract purchased by them, must pay towards it according to Proportion for the Land he takes up by Patent." We say, tho' the Articles of Newark be not on Record, and tho' we have no authentick Copy of them; yet these, and sundry other Particulars concerning them, we shall sufficiently prove, should ever that Point come in Question; which we think will prove full and express Notice, to the first Settlers of Newark, of the Concessions, and of the Nature of Patents, several Weeks before the Date of the pretended Licence.

As to the second Concessions of 1672, by Lord Berkley and Sir George Carteret, which continued the first Concessions; with some Additions and Explanations; it appears by Lib. 3, page 64, that they were published in the several Towns, as followeth, viz. At Bergen the 5th of May, 1673; at Elizabeth-Town the 6th of May; at Newark the 7th of May; at Woodbridge, for them and New-Piscataway, the 8th of May; and at Middletown, for them and Shrewsbury, the 10th of May 1673.

As to the third Concessions of 1674, being of Sir George Carteret alone for East-New-Jersey, and by which he enforces and continues the first Concessions, with some Additions and Explanations; it appears by Lib. 3, page 98, that they were published at Bergen in the Presence of the Commissioners, sent by all the Towns, except Shrewsbury, on the 6th of November 1674.

It appears, that during the Proprietors Government, the Writs for electing Representatives to the Assembly, contained this Clause. *viz.* "Whereas by the *General Concessions* of the said Province, amongst other Things it is accorded and agreed, that the Inhabitants and Freeholders of every respective Division, Tribe or Parish therein, shall, by Virtue of Writs to be issued out under the Seal of the said Province, annually meet the first Day of *January*, and chuse Freeholders for every respective Division, Tribe or Parish, to be the Deputies or Representatives of the same. Which Body of Representatives, or the major Part of them, should with the Governor and his Council, be the General Assembly of this Province; as by the *General Concessions* of the said Province, may appear." As by many of these Writs on Record, as Lib. C. 6, 68, 84, 107, 151, 189, 213, 236, 248, and 294, may appear. And as every Freeholder of the Province is, by Law, supposed to have Notice of the Writs of Election; wherefore by these Writs appears a yearly Notice of the *General Concessions* to every Freeholder of the Province, and that the very Power and Authority that the Assemblies had, was from them; and they had no other Power till the Surrender of the Government in 1702, when the Royal Commission, with the Instructions agreed on with the Crown by the Proprietors, at the Surrender of their Government, came in Place of them, as to the Powers of the Assembly,

Great Numbers of the Acts of Assembly, made before the Surrender, mention the *Concessions* and *Patents*; and the *Concessions* were the very Authority that the Assembly's acted by in making of Laws, and consequently were a Law in themselves of a higher Nature than the Laws of the Assembly; and to distinguish them, they were called by the General Assembly, THE LAW OF THE CONCESSIONS; and so far were the People from disliking them, that when Sir *Edmund Andros* did, in the Year 1680, usurp the Government of *New-Jersey*, as hereafter is mentioned, and called the Representatives together, to know what Demands they had to make in Favour of the Province, for that he was ready to grant them; and they had very little Reason to doubt, but that his Grant would be good; for that it was against Reason to suppose, that he had usurped that Government without the Privy of the Duke his Master: And if he had the Duke's Order, it was reasonable to think, that the Duke would support what Sir *Edmund* did; for, as the Duke was Brother and apparent Heir of the then King, and actually succeeded him, there was little Doubt to be raised but that he was able: Yet they the Representatives, on the 3d of *June* 1680, made their Demand only in these Words:

"We the Deputies or Representatives of this Province of *New-Jersey*, do expect, that all the Privileges belonging to the Inhabitants and Freeholders of the said Province, granted to them by Virtue of the *Concessions* made and granted by the Lord *John Berkley* and Sir *George Carteret*; be to all Intents and Purposes, allowed, confirmed, and maintained to the aforesaid Inhabitants and Freeholders, without any Infringement or Limitation; one particular and principal whereof is, a Right belonging to every free-born Englishman, that there be a *General Assembly* called once a Year, and to meet on the second Tuesday in *October*, according to our usual Custom, for the making of all such particular Laws as shall be necessary for the Good of the Province." Signed,

Isaac Whitehead, Cl. to the Deputies.

This was a Time, if the *Concessions* had been grievous to them, to have set it forth, and demanded an Alteration; but they were so far from that, after a fifteen Years Experience of them, they ask'd no Alteration of them, but placed their utmost Desires in the Continuance of them. This Demand of the Representatives, we think, will remain a greater Commendation of the *Concessions*, than any Panegyrick that, by the most eloquent Person, could be contrived.

And, as the *Concessions* are most clear, plain, and express, that the General Assembly shall raise and pay the Governor's Salary, and all Charges of Government; and that the Quit-Rents of a Half-penny Sterling per Acre, should be paid to the Proprietors, free of all Charge; So it further appears, by the Acts of Assembly made from the Year 1674 to the Year 1680, the five Years immediately before that Usurpation; the Assembly had duly every Year, raised and given a handsome Salary to Governor *Carteret* and raised all other Charges of the Government, besides taking Patents for their Lands at a Half-penny Sterling per Acre. It appears also, that in

the Years 1675 and 1676, they, by Subscription, raised his Arrears for the Time before that he had served as Governor, and appointed Men in every Town to tax all such Persons as did not subscribe, or not subscribe enough, at such Sums as they thought reasonable, with Power of Distress: And tho' they were then not very numerous, nor very able to raise that Salary and Charges of Government; yet they never once pretended that any of the Quit-rents ought to be applied to any of those Purposes; as by the Laws in those several Years, and the vast Numbers of Patents upon Record, granted during those five Years, may appear.

All which, we think, will clearly prove the Falshood and Groundlessness of the Committee's Suggestions against the *Concessions*, in their 8th page, which we have before copied herein.

In the Year 1680, some Controversies arose between Sir *Edmond Andros* then Governor of *New-York*, under the Duke of *York*, and the said Governor *Carteret*; whereupon Sir *Edmund* sent a Party of Soldiers to *Elizabeth-Town*, in a Sloop privately; and they, in the dead Time of Night, broke open Governor *Carteret's* House there, attacked him naked in his Bed; and after much ill Usage, forc'd him on board the Sloop, and carried him to *New-York*, where he was kept a Prisoner for the best Part of a Year; During which time Sir *Edmond Andros* assumed upon himself the Government of *New-Jersey*, did all in his Power against the Interest of the Proprietors thereof, and encouraged People to make Purchases of the Indians, without any Leave from the Proprietors; until upon their Complaint to the Duke, he disowned that Behaviour of his Governor of *New-York*, and recalled him with Resentment, and gave new Deeds to the Proprietors, both of *East* and *West-New-Jersey*, with express Grants of those Powers, which Sir *Edmond Andros* made a Pretence of the Want of in their former Grants, to justify his Conduct, tho' the same Things were (by general Words of Reference to the Duke's Grant) before fully granted.

By Virtue of those new Grants, dated in 1680, the Government of the Proprietors was the next Year re-establish'd in *New-Jersey*; And tho' those, who by the Artifices of Sir *Edmond*, during his Usurpation, had been drawn away from their Duty to the Crown, and to the Proprietors, and into treating with and making Purchases of the Indians without Authority; did in general comply with the *Concessions*, by obtaining *Warrants*, *Surveys* and *Patents* for Heads imported, for the greatest Part of the Land they had so criminally purchased; yet, the Danger of such Practices being apparent to the Governor, Council and Assembly, they, in order to prevent the like for the future, pass the Act of Assembly of 1683 (set forth in our first Publication page 2) forbidding all Treaties with the Indians without Licence of the Governor; and forbidding the taking of any Indian Deeds, but in the Name of the Lords Proprietors, upon pain of being prosecuted as seditious Persons, and as Breakers of the King's Peace, and the publick Peace and Safety of the Province.

To this Act of Assembly the Committee are pleased to say, that the oldest Men among them (as they have declared upon Oath) never knew or heard of any such Law. To which we answer, That if what the Committee are pleased to say, were true, yet that will no Ways repeal, or make that Act void or of less Force: But, further, its very improbable, that what they say hath been sworn, can be true; because in the Year 1684, sundry People of the same County of *Essex*, in which the Committee live, were prosecuted in the Court of common Right, (which was then the Supreme Court) for Breach of that Act of Assembly. And on the 28th Day of *August* 1684, *John Baker*, one of them, was tried on that Suit at *Elizabeth-Town*, by a Jury of the County of *Essex*, and by them found guilty, and fined by the Court; as by the Records of that Court, at that Time may appear. Is it likely, that the oldest Men of that County never heard of that remarkable Trial? for *Joseph Harrison*, Esq; of *Newark*, who died within these four or five Years last, was thirty-four Years old at the Time of that Tryal, and had lived in *Newark* from a Boy: *Jeremiah Osborn* we believe is still alive, and he was then Twenty-two Years of Age; and many others of that County now alive, were then at or near Man's Estate: We say, is it likely that these never heard of that remarkable Trial in their own County? And if they heard of that Trial, is it reasonable to suppose, that they did not hear of the Act of Assembly on which it was founded?

It appears that in the said Year 1683, an Act was pass'd by the Governor, Council, and Assembly of *West-New-Jersey*, to the same

same Purpose, but something more severe; for it not only declares such Pretences void, and the Persons procuring or accepting them, to be Enemies of the Government, but also impowers the Governor and Commissioners (the Council of Proprietors of *West-Jersey* was then so called) to fine such Persons at Discretion, not exceeding *Five Shillings* for every Acre so purchased; as by the Record of the Act, in page 35, Cap. 10. of the vellum Book of Acts, in the Secretary's Office at *Burlington*, may appear. We think it proper to remark this, because sundry Pretences, by Indian Purchase, are of late started in *West-New-Jersey*; to show they are not less expressly declared Criminals there, than in *East-Jersey*, by making of those Pretences.

But tho' those Acts of Assembly, of both Divisions of *New-Jersey*, were past in the Year 1683, declaring such Purchasers criminal, and direct how the Criminals shall be prosecuted and punished: Yet, its obvious from what has been before said that before the passing of those Acts, such Purchases were criminal by the common Law of England, as Encroachments on the Rights of the Crown, and as Overt-acts of withdrawing their Allegiance from the Crown of England: And consequently all such Purchases, and Pretences to hold by them, were, before those Acts, criminal and void in themselves, without the Aid of those Acts to declare them so.

About the Year 1698, *Jeremiah Bais*, by Commission from the Proprietors in England, superceeded Governor *Hamilton*, (who had for many Years been Governor of *East-New-Jersey*, to the general Satisfaction of the People) when it seems Mr. *Bais* declared, he had the King's Approbation to his Appointment, pursuant to the Act of Parliament; and upon his Word, without seeing it, Governor *Hamilton* yielded to him the Government, and departed for England: But soon afterwards it was discovered, that he had not the King's Approbation, and therefore could not lawfully superceed Governor *Hamilton*; Upon which, many of the Proprietors residing in *New-Jersey*, with many of the People, refused Obedience to Mr. *Bais*, and insisted that Col. *Hamilton* was still Governor; and that, by his Absence, the Government devolved on the Council; whereas others adher'd to Governor *Bais*, which occasioned an utter Confusion in the Province, and mutual breaking of Goals, rescuing of Prisoners, and beating and abusing of Officers. Governor *Hamilton* again returned to the Province, and Mr. *Bais* left it; but those who had sided with Mr. *Bais* still kept up the Contention, and refused to submit to Governor *Hamilton*; by which the Province continued in Confusion and Disorder; which obliged the Proprietors to surrender the Government to the Crown; which they did in the Year 1702; as in our first Publication is set forth.

Those Confusions so happening in that Time, those Persons who had before made criminal Purchases of the Indians, laid hold of that Opportunity to make more of such Purchases, and to draw other People into the like Crime with themselves, in hopes to hold, by those Indian Deeds, the Lands they had obtained Patents for, without payment of the Rent of a Half-penny Sterling per Acre, yearly due by their Patents; and they applied to the late King *WILLIAM*, of glorious Memory, to get those their criminal Purchases establish'd against the Proprietors; and for that Purpose, presented a *Petition and Remonstrance* to his Majesty, part of which the Committee are pleased to publish in the third and fourth pages of their Paper; and its there introduced by the Name of a *Memorial with an Air*, as if it had been a Thing adjudged by the Lords Commissioners for Trade and Plantations: Which *Petition and Remonstrance*, having come before the said Lords, by Reference from his Majesty, they allowed the Proprietors a Copy of it, and Time for making their Defence against it; which Defence on the Ninth of December 1700, they, the Proprietors, deliver'd in to the said Lords; of which a Copy is annexed to the said Bill in Chancery, and is printed in the 123d and 124th pages thereof, to which we refer.

That Confusion and Anarchy, occasioned as before, continued in *New-Jersey* from 1698 to 1703; and as the pretended Purchases of *Vangeesen* and *Horse-neck*, were said to be in the Year 1701; if so, it appears that those Purchasers took Advantage of that Time, to make those criminal Purchases with Impunity. But when Peace was restored in 1703, it seems they thought proper to keep those their Crimes secret, for fear of the Punishments due for committing them; and its said, they burnt those Deeds which they had so procured, lest they should rise in Judgment against them; nor did we hear that any such had ever been in Being, till the Time mentioned in our first Publication.

We are far from offering the said Answer, or Defence of the Proprietors, as an Authority or Thing adjudged; though we have more Reason to do so than the Committee had to offer the said *Petition and Remonstrance*, to which that was an Answer; because what was insisted on by the Proprietors in that Answer and Defence, was in Effect granted, as appears by the Instructions agreed on with the Crown at the Surrender of the Proprietors Government at that Time, which is in part in our first Publication set forth, but more at large in the 18th page of the printed Copy of the said Bill in Chancery, to which we refer.

In 1703, the Act for regulating the Purchases of Lands from the Indians, was past, as in our first Publication, and in Mr. *Newill's* Speech, printed in the *Post-Boy* of May 19, 1746, and in the first Leaf of the printed Book of Laws of *New-Jersey*, to which we refer, appears; by which all Indian Purchases of Lands made before that Act, are declared null and void, and the Claimers are declared incapable of holding Plea for the same in any Court, unless within six Months they obtained Grants from the Proprietors, for the several Tracts of Land so claimed respectively, on such Conditions as should be agreed on with the said Proprietors: And the said Act prescribes the Method how the Proprietors themselves should obtain Licences to purchase of the Indians, and a Penalty of *Forty Shillings* per Acre is laid upon every one who shall afterwards purchase Lands of the Indians without such Licence.

This we suppose must be the Act meant by the Committee, in what they NOW call THE CASE IN QUESTION; and in which Case they say, *It was unreasonable and manifest Injustice to vacate and annul Grants of Lands from the Indians, some Years after they were made, and to divest the Owners of them.* And so far we shall agree, that if any of those Grants had ever made a lawful Title to Lands in *New-Jersey*, then it would have been, as they say, so far unreasonable and manifest Injustice, to annul and declare them void: But if none of them ever made a lawful Title in *New-Jersey*, and yet those claiming by them pretended that they did; it was both just and reasonable, that the Legislature should debar People from making such unjust Pretensions, tending to deceive their Neighbours, and again to introduce Sedition and Confusion into the Province, which it had for several Years then last past laboured under: For tho' those then past Disturbances had another Beginning, yet it was those Pretences that chiefly supported and continued them.

The Committee seem to take it for granted, that Indian Grants did make a lawful Title to Lands in *New-Jersey*; and proceed in their reasoning, as if that had been a Thing unquestionable, and out of Doubt; and were that Point granted to them, its allowed to be a mighty clear Case on their Side: But if they never did make a lawful Title in *New-Jersey*, then we think the Case is as clear against the Committee: So that the Question between us is, *Whether any Indian Grants whatsoever, and which, did ever make a lawful Title to Lands in New-Jersey?* The Committee say, (at least take it for granted) that Indian Grants made a lawful Title to Lands in *New-Jersey*; which Position we deny; so that the Proof lies upon the Committee (as they, in this Point, have the affirmative Side of the Question) that such Grants did make a lawful Title: And we might rest that Point, till they showed what Proofs they had for that Purpose; but we shall here beg Leave to show, some Improbabilities, that its possible for the Committee to produce any such Proofs.

In order to that, we shall divide those Indian Grants into; 1st, Those that were made without any Pretence of Licence, derived from the Crown of England: 2dly, Into those that were made by such Licence: 3dly, Into those made by Licence granted, or pretended to be granted, without the Condition of complying with the *Concessions*: 4thly, Into those pretended to be made by Licences, after they were expired: 5thly, Into those pretended to be made by one Man, by Virtue of a Licence to another. These Five, we think will include all the possible Cases.

1st. As to such as were made without any Pretence of Licence, derived from the Crown of England, we believe the Committee will not, at least ought not, to have the Assurance to deny, that they were highly criminal at making them; as being Usurpations of a Right, clearly belonging to the Crown and its Assigns, to treat with Heathen Nations; and the claiming by them, is an Overt-act of withdrawing Allegiance from the Crown: And tho' such Purchases might extinguish the Claim of the Indians, yet it must be absurd to say, that a Crime committed

committed nearly approaching to high Treason, (if it be not so) should legally intitle the Criminals to any other, than a Right to have that Punishment inflicted on them, which their Crimes deserve: Wherefore, as to all such Indian Grants, they were ever void before the making of the said Act of Assembly; and therefore, it was highly reasonable and just in the Legislature to declare them so by that Act, to be null and void.

2dly. As to such Purchases as were made by Licence derived from the Crown of England, we say, such Licences must have been granted before the Year 1673; because, after that Year, from what we have already shown from 2d and 3d Concessions, Acts of 1683 and 1703, no Indian Grant could be lawfully made to any but the Proprietors; and as to such Licences before the Year 1673, we have already shown, that they were all granted, upon express Condition of performing all such Acts and Things as are contained in the Concessions; which direct, that all Titles to Lands shall be by Warrant, Survey and Patent at a Half-penny Sterling per Acre, yearly rent; and all Claims to Lands otherwise to be without Authority from the Proprietors, and therefore void. Now, so far as such lawful Purchasers by such Licences, intituled themselves by Heads imported, to Warrants, Surveys and Patents, pursuant to the Concessions; they are intituled to those Lands by those Warrants, Surveys, and Patents, and not by the Indian Grants: But as to what Lands purchased, they did not intitle themselves to by importing Heads, and obtaining Warrants, Surveys and Patents for them; its obvious that they have not performed the Condition upon which it was agreed they should have those Lands, and therefore not lawfully intituled to them; and for such Purchasers to claim those Lands without performing the Condition, its the same Thing as if they should say, *We acknowledge, that when we obtained that Licence to purchase, we well knew that no lawful Title to Land in New-Jersey could be, but by Warrant, Survey and Patent from the Proprietors, at a Half-penny Sterling per Acre, yearly Rent; and by our Acceptance of that Licence, we agreed to intitle ourselves to, and to obtain Warrant, Survey and Patent, for such of the Lands we should purchase that we intended to lay any Claim to: Its also true, that we have obtained Warrant, Survey and Patent, as the CONCESSIONS directed, for all such Parts of the Lands purchased, as we did intitle ourselves to; but now we want to hold the rest by the Indian Grant, without having complied with the Condition, contrary to our own Agreement, by Acceptance of the Licence.*

45 We believe there is few of so small Reason, as cannot see that such Pretence is unjust and illegal, and therefore it was highly reasonable and just to declare it so by Legislative Act, to prevent People's being imposed on by it.

But to consider this in another and shorter Light, from the 3d Right of the Crown herein before mentioned, no Lands can be lawfully held within the British Dominions, but by Grant or Agreement of the Crown, or its Assigns; but neither the Crown nor its Assigns, granted or agreed that Purchasers, by such Licences, should hold the Lands purchased by Virtue of the Deeds from the Indians; therefore they could not lawfully hold Lands by Virtue of them; and if not, then the Pretence to hold them so was illegal; and being so, it was reasonable and just that they should be declared illegal, null and void (as they were) by Legislative Act, to prevent People's being imposed on by them.

3dly. As to such as were made by Licences granted, or pretended to be granted, without the Condition of complying with the Concessions; its obvious, from what we have heretofore said, that neither Governor Carteret, nor any other, had Authority from the Proprietors to grant such Licence without that Condition; and consequently, if ever any such was (which we deny for the Reasons herein before) Governor Carteret in granting, and those who acted by such Licence granted without that Condition, were all Criminals for so doing, by usurping that Right of the Crown, solely vested in the Proprietors; and therefore all such Deeds from the Indians were void at making thereof; and being so, it was reasonable and just that they should be declared so by Legislative Act, to prevent People's being imposed on by them.

75 As to the 4th Kind, viz. Such as were pretended to be made by Licences, after they were expired; We know not that any such ever were; but if there were, then its to be known, that in July 1673, New-Jersey was conquered by the Dutch, and the English Government was then there abolished, and Lord Berkley about that Time died; either of which determined Governor Phillip Carteret's Commission and Powers; and consequently all naked Powers under his Hand and

Seal (as all the Licences he granted were) did expire and determine with his Power: But if these Things had not so determined them, yet the Publication, as herein before mentioned of the second Concessions of 1672, and third Concessions of 1674, both which contained an express Revocation of all Licences to purchase, in any other Names than the Proprietors; must surely have determined them. Its also well known, that by the Articles of Peace made at London the 19th of February 1673-4, New-Jersey was restored to King CHARLES the Second; and afterwards in 1674, King CHARLES the Second granted New-Jersey again to the Duke, and he, in the same Year, granted East-New-Jersey to Sir George Carteret; and he, by Virtue of that Grant to him, appointed the said Phillip Carteret to be Governor of East-New-Jersey, and made the third Concessions before mentioned; by which, as in the second Concessions, all Indian Purchases thereafter were to be made by the Governor and Council, and in the Name of the Lords Proprietors only: So that, if any Indian Purchases were made after the expiring of Governor Carteret's first Commission, or after the Publication of the second or third Concessions, under Colour of a Licence granted by Governor Carteret during his first Commission; its obvious that, such Licence being expired as before, it was as if they had no such Licence; and consequently the Purchasers were in the same Case as if there had been no Licence, and so were criminal in making such Purchases; and as such were void at the making, it was consequently reasonable and just that they should be declared so by Legislative Act, to prevent People's being imposed on by them,

From this Head its obvious, that every of the Purchases, which the Committee, by their Petition presented to the Assembly in April 1746, do say, they were concerned in and for, viz. Purchases made from March 1678 to March 1703, tho' they should pretend to have had Licence, yet had none; but all those Purchases must have been criminal at making them, for all Licences before 1673, were before that Time expired; and after the second Concessions in 1672, and third Concessions in 1674, Governor Carteret was debarred from all Power of granting any Licences whatsoever, to any Persons to purchase of the Indians; nor could any Deeds from the Indians, after Publication of these Concessions to this Day, be lawfully taken, but in the Name of the Proprietors; which Point is established by the Act of 1683, and further by the Act of 1703.

5thly. As to such Purchases as are pretended to be made by one Man, by Virtue of a Licence to another Man; we say, its apparent from the Form of all Licences to purchase, granted by Governor Carteret, that only a naked Power, or Permission and Sufferance to the Person or Persons named it, is granted: There's no Word of Heirs nor Assigns in any one of them; and therefore, neither the Heirs nor Assigns of any Person named in such Licences, can have any Power by Virtue of them: And if any Person or Persons, under Colour of being Assigns or Heirs, have made such Purchases, its obvious that they had no Authority for making them, as the Power or Permission and Sufferance, was neither assignable nor descendable; and consequently, such Purchases were criminal and void at the making: Wherefore, it was reasonable and just, that they should be declared so by Legislative Act, to prevent People's being imposed on by them.

From this Head it appears, that whoever have made Purchases of the Indians, under Colour of Licences to purchase to their Ancestors, or under Colour of Licences to Persons under whom they claim, as it would seem by the Committee's said Petition, and their Paper now before us; they even acknowledge, that they, or some of them have done; and from publick Report there is great Reason to believe they, or some of them, within these three Years last, have done: We say, from this Head it appears, that pretend what they will to Power, by Licence from Governor Carteret to make such Purchases; yet its impossible they could have any such Power descended or assigned to them, or any of them; and therefore they had none such; and consequently all such Purchases were by the common Law criminal, and declared so by the Act of 1683; and it was reasonable and just, by the Act of 1703, to declare them void, and to lay a Penalty of Forty Shillings per Acre, on such as should dare to presume to do the like for the future. And if it be true, what is commonly reported, the Committee have no small Reason to dread the Act of 1703; for if they have made a Purchase from some Indians, as is said, of fifteen Miles square, which is 144,000 Acres, for the valuable Consideration of a Five Shilling New-York Bill, and a few Bottles of Rum; they, by so doing, by the Act of 1703, have

have forfeited *Forty Shillings* for every Acre, which would make in all 288 Thousand Pounds; a Sum far beyond the Value of the whole Estates, of not only the *Committee*, but of all the Rioters put together: But as they took Care at the signing those Deeds, that the Witnesses should not know the Contents; so we suppose they have ever since, and will hereafter, take all the Care they can, that no legal Evidence can be had against them, to prove their Crime, and subject them to that Penalty. And as this Act of 1703, does threaten them so much (if some one concerned should be brought to a Discovery, which they have no small Reason to dread) its no Wonder, that they are hearty Enemies to that Act; And if Rioting, and what else is in their Power, can prevail on the Legislature to repeal it, we have no Reason to doubt but they will use it.

We never heard of any Purchases made of the Indians, by others than the Proprietors, but what will fall under one or other of the preceding Heads; and whatever Head they fall under, its obvious that they never made a legal Title to any Lands in *East-New-Jersey*, and we may say, in either of the Divisions of *New-Jersey*; and therefore it was reasonable and just, by the Act of 1703, to declare them null and void for that Purpose, to prevent People's being imposed on by them; and to prevent Sedition, the obvious Consequence of giving the least Countenance to any such Pretences.

Wherefore, we think we may conclude it to be, at least, very improbable, that the *Committee* can prove the Position aforesaid incumbent on them to prove, *viz.* That any of the Indian Grants, which they pretend to have Concern in and for, did make a lawful Title to Lands in *New-Jersey*, before the Act of 1703: And if this the *Committee* cannot do, then it was not unreasonable, nor manifest Injustice, to declare all such Indian Grants void; but highly reasonable and just, and proper to inform People, who might otherwise have been imposed on by them; and proper to prevent Sedition, the obvious Consequence of permitting such Imposition for any longer Time.

The *Committee* in page 6, are pleased to suggest, that the Act of 1703, was gotten by expelling sundry Members of the House.

This is a further Instance of the little Regard that the *Committee* have to Truth, or to what they suggest; its enough that what they say, carries a Slander of the Proprietors which is possible to be true; and even the Bounds of Possibility they sometimes disregard. Now, if this Act was gained by the Proprietors, by Means of expelling sundry Members of the House, it was a very scandalous Way that they took of gaining it. But so it happens, that tho' many Members have been expelled, in other Sessions of the Assembly of *New-Jersey* from time to time; yet during that Session, in which that Act past, (which was the very first Session of Assembly after the Surrender of the Government) no one Member was expelled. Had any Members been expelled that Session, tho' for very different Reasons, yet there then would have been, at least, a Possibility of the Suggestion being true; but as there was none, then there is no Possibility of its being true: And had the *Committee* any other Regard to what they suggest, than that the Suggestion slanders the Proprietors; they would surely have viewed the Minutes of Assembly, to see, whether there was any Possibility of Truth in the Suggestion; and this could not have been difficult for them to have done, as one of the *Committee* is an Assembly Man, and has, or may have, the Minutes of the Assembly before him when he pleases.

Thus stand the Laws and Acts of Assembly of *New-Jersey*, concerning Indian Purchases; and from what we have said, we doubt not they will, to all impartial Men, appear just and reasonable; and that none of them can be justly charged with being unreasonable and manifest Injustice, as the *Committee* are pleased to say, one of them is; and that that is now THE CASE IN QUESTION.

The *Committee* are pleased to alledge and suggest sundry Things, as the Opinion of Lawyers, in favour of Indian Purchases, which we think may be proper to answer under this Head.

In page 7, they suggest it to have been the Opinion of Chief Justice Holt, That an Indian Deed or Grant, gave Property to the Purchaser. Were this true, we should think the Opinion of so great a Man would be of great Weight; But its so far from being true, that his Opinion, and that of Seven other of the greatest Lawyers in England, appears directly to the Contrary; its printed in the 40th and 41st pages of the said printed Bill in Chancery, to which we refer.

Again in page 10, the *Committee* are pleased to say, that "They perceive the Gentlemen of the Law say, and some have given it under their Hands as their Opinion, that a Grant or Licence to purchase, together with a Purchase made of the Indian Right, gives a good Title unto the Land purchased; and that the one is not good and valid without the other."

As to which, we do not believe they have the Opinions of any Lawyers on these Terms. That an Indian Grant, without a Grant or Licence derived under the Crown, does not make a good Title, is allowed to be true; but that a Grant from the Crown, without an Indian Grant also, is not a good Title, we believe they can produce no Opinion of any good Lawyer to that Purpose; because it infers, that the King cannot grant Lands void and uninhabited, discovered by his Subjects; which is Contrary to an uncontroverted Right of the Crown, herein before set forth. And tho' it would be against Reason, for one possessed of the King's Grant only, to dispossess Indians in actual Possession; yet the Crown's Grant only, even in that Case, must be good against all the King's Subjects, and every other Person but the Indians in Possession: And should the Indians possessed, voluntarily quit their Possession, or sell it to any other Subject of the King's without Licence, its obvious that the King's Grant alone becomes good, not only without, but against such Purchase; for the Purchase, tho' without Licence, divested the Indians of their Right; but the Purchase being criminal, it was therefore void as to the Purchaser, and so could vest nothing in him, even by the Opinion the *Committee* advance; consequently nothing remained to hinder the Crown's Grant alone to take Effect.

But suppose the *Committee* had such Opinions as they say, and that those Opinions were good Law in the very Terms that they here publish; yet, we conceive, that these are enough to shew, that the Purchases, which the *Committee* by their Petition to the Assembly, say they had Concern in and for, *viz.* Purchases from March 1678 to March 1703, are all void; because we have already shewn, that no lawful Licence whatsoever from Governor Carteret, or any other Governor, then was, or could be in Force, during any part of that Time, to make any of them, or to take any Indian Deeds to any other Persons than the Proprietors; and consequently by these very Opinions, all such Purchases are void as to the Purchasers; and we have before shown, that they are not only void but criminal.

As to what they are pleased to say of Mr. Smith, in the 12th and 13th Pages, we have good Reason to believe, that he never undertook to vindicate any Cause where the Claim was by Indian Purchase only, as by the *Committee* is insinuated that he has done. We have also good Reason to believe, that (except in one Case) he never was concerned in any Cause, where the Claim was by Indian Purchase, but there was also a Licence to make that Purchase, and a Patent derived under the Crown of England for the Lands so purchased. In the Case excepted, the Defendant, in Ejectment, his Client, claimed under an Indian Purchase made by a Licence; but principally relied for his Defence, on a supposed Defect in the Plaintiff's Title: But notwithstanding both these Points, a Verdict and Judgment was had in the Supreme Court against his Client, and that Judgment was affirmed on an Appeal.

We have also sufficient Reason to believe, that the *Committee* are much mistaken, in alledging, that Mr. Smith consented to undertake for them, barely upon his being released by his Clients; unless also he had been informed of their Case, and had found, upon Enquiry, it was such that deserved his Assistance.

That Application was made to him, is probable; and it's rational to believe, that upon their Application he told them, That he was engaged on the other Side, and could not so much as see and consider their Title, unless he was released by those who had engaged him: But that he either saw and considered their Title, or consented to undertake without seeing and considering it (one of which must have been, if it be true what they say) will not be believed by any who are acquainted with Mr. Smith. And there is strong Reason, to doubt of their being in earnest in their Application to Mr. Smith; because the *Committee* did not request us to release him until the 13th of August 1746, (as by the Papers printed in our second Publication in pages 22 and 23, may appear) and even then not by his Name; and they were acquainted by our Letter of June 30th, in page 19th, &c. that the special Verdict on the part of the Plaintiff, would be prepared before the first Day

of *August Term*, which was the Twelfth; and consequently he must have advised on it before that thirteenth Day: Wherefore it was against Reason to expect at that Time, that either we should release him, or that he should consent to be engaged (had we released him) against what he had so fully advised in.

The Committee are also pleased to set forth, the Considerations pretended to be named in some Indian Deeds, not only as an Argument in Favour of them, but also, as they say, to prevent Reflections, which they suggest we cast on them, in our 2d page, column 1, line 50, of such Deeds being got for some Bottles of Rum; and they, in the first Place in page 1, introduce the two *Newark Purchases*, as Part of what we had reflected on: But if the Committee will consider, that *Vangeesen's Purchase* and *Horseneck Purchase*, are all that they mention in the *Post-Boy* of February 17th, 1745-6, and that they themselves, by their Petition to the Assembly, do not pretend to be concerned for any other than such Purchases, as were duly executed, from March 1678 to March 1703; they will see, that we could not have either of those *Newark Purchases* in our View, as they are both dated before the Time of those they pretended to be concerned for: From whence its obvious, that its not true that we either reflected or intended to reflect, on the *Newark Purchases* in that place.

As to the four Indian Purchases mentioned in page 6, with the Considerations said to be inserted in the Deeds, and upon which they conclude, "And now may we not submit it to the World, whether these Grants were not duely and legally made;" We beg leave to ask the Committee a few Questions on this Head, and to add the Committee's Answers to them, which can justly be collected from this their Publication.

Proprietors. Pray how does it appear to the World, to whom you submit this Affair, that there ever was such Grants from the Indians in Being, as you now pretend?

Committee. We have said that there were.

Proprietors. How does it appear, that such Sums are inserted as the Considerations of these Deeds?

Committee. We have said that there are.

Proprietors. Do you know that these were the true Considerations paid?

Committee. No, that is too close questioning, we have not said that they were.

Proprietors. Had you any Licence for making those Purchases?

Committee. Four Men of *Newark* had once a Licence, a careful Extract whereof we set forth, and some of us are *Newark Men*; but as to our having a Licence, or any who made those four Purchases, we have not said.

Proprietors. When were these four Purchases made?

Committee. We have Reasons to keep that a Secret, till the old Rules of Property are abolished, and our new Ones made in their Place.

Proprietors. Who made those Purchases?

Committee. That is to be another Secret till then.

Proprietors. From what Indians were they made?

Committee. Till then that is to be a Secret too.

Proprietors. If you will not tell these Things, pray what has the World to judge upon concerning these Purchases?

Committee. Our Words; that there were four such Deeds, with such Considerations inserted in them.

Proprietors. Do you always speak true?

Committee. When we have to do with the Proprietors, we had as good own that we have very little Regard to Truth, Possibility, or Probability; its enough, that what we say, contains a plausible Slander of the Proprietors; for, we have fitted the Minds of our Clubmen so, that any Thing we say that Way, is swallowed and believed as if it were Gospel; and therefore we have not the least Occasion to trouble ourselves with these stubborn, tough and unweildy Things, Truth, Possibility, and Probability; and the rather, for that they are none of our Friends, and they will do us no good, therefore away with them.

Proprietors. Upon this Evidence (which is all that we see) appearing, we join issue, and submit it to the World, whether these Four pretended Indian Grants, or any of them, ever were in Being, or duely and legally made.

We believe that few People, who are entitled to Lands in *Newark* Bounds, will thank the Committee, for now lugging into this Question, either the *Newark Licence* or Purchases, probably with a View to stir up a Controversy and Contention between the Proprietors and the People of *Newark*, who hold all the Lands which they claim, so far as we know, by good Rights derived from and under the Proprietors; several

Hundreds of which appear on Record in the Books and Leaves pointed to by Schedule Numb. IV. to the said Bill in Chancery, which are printed in page 91 to 96 of that Bill; in which we think it our Duty, to defend them against all Claims and Pretences whatsoever.

The Proprietors, so far as we know, from the first Settlement of this Province to this Day, never had any Controversy in Law or Equity, with the People of *Newark*; tho' a Dissatisfaction sometime subsisted between them, which arose thus:

The Bounties for Heads imported, which by the first Concessions (under which *Newark* was settled) were only granted for four Years, but by the second and third Concessions and otherways, they were continued to the 13th of January 1685, which was above Twenty Years instead of the Four engaged at first; we say, these Bounties ceasing that Day, the People of *Newark* could not import more Heads, to obtain Patents for more of the Lands they had purchased, tho' a considerable Quantity remained then unappropriated, which the general Proprietors then were about dividing amongst them. Upon this the People of *Newark* in the Year 1692, by a Committee by them appointed, represented to the Council of Proprietors, that they ought to have some Recompence out of these unappropriated Lands, for the Expence which they had been at in the Purchase thereof from the Indians; Which Representation, being by the then Majority of the Council of Proprietors thought reasonable, after sundry Treaties with that Committee on that Head, they did agree to allow to all old Settlers in *Newark*, (who had obtained Patents, and had consequently paid their proportion of the Charge of the Indian Purchases) 100 Acres a Piece more than they were intitled to by the Concessions; and that they should have that hundred Acres for Six-pence Sterling yearly Quit-Rent, instead of Four Shillings and Two Pence per Annum, which at One Half-penny per Acre, they were liable to by the Concessions: And accordingly Warrants were granted, in Consequence of that Agreement, for upwards of 4000 Acres to the People of *Newark*, at Six-pence per hundred Acres; and that besides, all that they could claim to remain due to them by the Concessions, for Heads imported by them; for which, Warrants were also granted to them at the same Time, at One Half-penny Sterling per Acre; as by page 92 of the printed Bill in Chancery aforesaid appears, in the particular Places there pointed to on Record.

And as that Quantity of Land then agreed to be granted to the People of *Newark*, far exceeded the whole Value of the Considerations paid the Indians for their Purchases; we even may with Truth say, that that Land is now far above five Times the Value of the Whole thereof. We believe that People of any Thought or Gratitude in *Newark*, will now be far from making any Claim by the said Indian Purchases, for which they have been so fully repaid; for it would be against all Reason, to keep both the Claim and Consideration given for it: And we have no Reason to suppose they do so claim, seeing from time to time, they themselves purchase Rights to Lands unappropriated, from the Proprietors, and lay them upon what Lands amongst them they do discover to be not duely appropriated; as by pages 93, 94 and 95, of said Bill in Chancery appears. What we have now mentioned, is that which was the Consideration for those Patents to *Newark* People, at Six-pence per Hundred Quit-rent, and not what is in that wild, idle, impossible and improbable Tale, set forth in page 2 and 3 of the Committee's Publication. Some of the least Honest amongst them do sometimes fence in Lands there belonging to the Proprietors in common, thinking that it will not be discovered; whereas some of their Neighbours more honest, knowing of this, make them lose the Benefit of such Roguery, by appropriating those secreted Lands: This we believe is what they call, the Proprietors and their Creatures resurveying, peeling and pillaging, before mentioned in the fourth Instance, that the Committee are so angry at.

From what we have now said, we think the *Newark* Licences and Purchases, are put entirely out of the Question between us and the Committee; and that they will have no Thanks from any honest Man of *Newark* (who will give himself the trouble of thinking a little) for endeavouring to lug them into the Question, as a Plaster for the criminal Purchases, which the Committee say they have Concern in and for.

We conceive we have now collected and considered, every Thing in the Committee's Publication, that has any Weight or Colour of Argument, to support either their OLD CASE, insisted on in the *Post-Boy* of February 17, 1745-6, and in their

their Petitions to the Assembly, which the Rioters then said, was THE ONLY SPRING OF THEIR MOTION; or, to support their NEW CASE, which they began their now Publication with, viz. *That they shall clearly manifest, that an Act of this Colony, concerning Purchases of the Indians, is unreasonable and manifest Injustice.* Wherefore we might test BOTH CASES here, and submit them to the World to judge, how void of Truth and Reason BOTH CASES are.

However, there are some scattered Things in the Committee's Publication, which have no Tendency, that we see, to support either of the Cases with Reason; nor have the Committee ranged them under any general Heads, nor told us why they say these Things; but yet, we think, they deserve some Notice.

Near the End of the 5th page the Committee are pleased to say, 'Take one more Instance from our neighbouring Province of New-York, in Governor Dongan's Day and Time.' 'The Indian Natives, from some special Regard to One, (of whom they had doubtless received some Favours) made him a Grant of a considerable Tract of Land lying upon, or near Hudson's River. This same Land, it pleased the then Governor to grant by Patent to another Person; who, presuming to settle and improve it, was beat off and dispossessed by the Indians; WHEREBY said Patent was revoked, and the Right settled upon the true Owner, the Grantee above-said.'

Concerning this Piece of History, set forth by the Committee, some of us have been at the Pains to enquire, of some Men of the Province of New-York, esteemed to be the most knowing, of the Transactions in old Times; And in that Enquiry, found two Persons who had each read all the Records in the Secretary's Office, and Minutes of Council of New-York, in Governor Dongan's Time, and for many Years before and after; All which Persons declared, that they never had found, or remembered to have met with, or heard any Thing that could give the least Ground for this Piece of History, in Governor Dongan's Time, or any other Time whatsoever. Wherefore, and because, as the Committee tell the Tale, its incredible in any part of the English Dominions, where the Law thereof has its Course, that a Patent should be revoked by Indians beating off the Patentee, &c. we have great Reason to believe, that there is not the least Syllable of Truth in it; but that it is a Tale forged by the Committee, or some of them, to incite the Indians in New-Jersey, to commit the like Violence; which they say the Indians in New-York did; and to incite and encourage the Rioters to continue in their past Practices, of trampling on all Law, Authority and Government.

There is another Piece of History in the same 5th Page, in the next Paragraph before the last; but as the Scene of it is laid at or near Black-point, to the Eastward of Boston, they have, by that Distance, put it out of our Power to inform ourselves, whether it contained any Truth or not: But, if they would forge a Thing without the least Foundation, and lay the Scene so near as New-York; as in the other Tale, and in many other Instances by this pointed out; we have Reason to believe, that there is as little Truth in this Tale as was in that: The View of the Forgery is obvious to be the same as in the other Tale.

There's another Paragraph next before that again, in the same fifth page, which is unintelligible to us; we suppose it intended with the same View as the other two, and seems to be intended as an Introduction to them.

In page 7, there's a Paragraph in these Words; "It is a received Observation, that a settled Rule of Property, steadily observed and impartially applied, is the great Ligament of Government; and when Property is made uncertain and precarious, this Band is broken, and the Society in Danger of running into Disorder and Confusion."

This we conceive to be an unquestionable Truth, and that there's very few more, in all that the Committee have published; but how, or for what Purpose they stumbled upon it here, is not so clear.

From what we have already said, we conceive it appears, that there is as settled Rules of Property, in the Eastern Division of New-Jersey, as in any part of the British Dominions: And we say, that whenever those Rules have been steadily observed, and impartially applied, it has enjoyed Peace and Prosperity; but, whenever those Rules have been broke in upon, the Property of the People has been made uncertain and precarious; and the Society has not only been in Danger of, but has actually run into Disorder and Confusion, which we shall verify by the following Examples in this Province:

In 1672, was the first Effort in New-Jersey, for setting up Indian Purchases against the Title of the Crown: At first Riots were then committed; then they threw off the Government of the Proprietors, took and imprisoned one of the Officers of the Government, and threatened to do so by others; the People chose a Governor for themselves, and Governor Carteret and his Secretary Bollen, fled to England, to complain to the King, the Duke, and the Proprietors, of those Courses. On the Back of that, the Dutch Conquest happened, and the Province was in continual Disorder and Confusion, till Governor Carteret's Return in November 1674; when, on Sight of the King and Duke's Orders, and the new Concessions of Sir George Carteret, some of the Guilty fled, and the rest of the People were settled in Peace and Quietness: And those who pretended before to hold by Indian Purchase, laid aside those Pretensions, and applied for, and had Patents for so much out of those Purchases as was due to them, by the Concessions, for Heads imported; as by the great Numbers of Warrants, Surveys and Patents, in each Town of the Province in that Time, appears: And if we may judge by the Proceedings of the Assembly in that Time, and by their Demand in 1680, of Sir Edmund Andross before mentioned, no People could be more contented and happy than the People of New-Jersey were from 1674 to 1680, while the Rules of Property were observed. In 1680, Sir Edmund Andross broke thro' all Rules of Property in New-Jersey, as before, and encouraged the People to do the like; and did as much as was in his Power to distress and destroy the Right of the Proprietors: The best People, sensible of the Peace and Tranquility they had enjoyed for these six Years then past and of the Confusion that immediately preceeded that Time, no Doubt of it, struggled against those confounding Schemes, which threatened Uncertainty and Precariousness in the Titles of New-Jersey: And tho' the People did not then break out into Rioting, as in 1672; yet there was much Contention and Trouble, before they could be reclaimed from the criminal Purchases they had been led into making, and to submit to the Rules of Property prescribed by the Concessions; which, as before was the Occasion of the Act of 1683, and which was made soon after those Struggles; and Peace was restored, which East-Jersey enjoyed in Tranquility until the Year 1688; as by the Records and Proceedings of the Assembly we may judge.

In 1688, the then King JAMES broke thro' the Rules of Property, by seizing the Government of New-Jersey; and Things continued in Disorder and Confusion, till sometime after the glorious Revolution in England, that the Proprietors Government was restored; from which Time Peace and Tranquility remained until 1698. From that Time till 1703, all Rules of Property were slighted, many Riots, and much Disorder and Confusion ensued: In 1701, during that Time, its said, that Horseneck Purchase, and Vangeesen's Purchase were made, and possibly the others that they the Committee say, they have Concern in and for: And then was a grand Effort made by the Remonstrance and Petition, before mentioned, to King William, to over-set all the Rules of Property in New-Jersey, and to establish Indian Purchases; but in this they failed, and kept their Purchases secret: And to prevent the like Disorder, Confusion and Attempts for the future, the Act of 1703 was made, and Peace and Tranquility restored; which New-Jersey ever since happily enjoyed, to the great Improvement thereof; till 1745, that the worthy Committee, as is supposed, formed great Plans and Estates for themselves in their own Minds, by setting up Indian Purchases again; and for the valuable Consideration of Five Shillings, and some Bottles of Rum, purchasing fifteen Miles Square, as is said, from Indians who claimed no Right, and told them they had none; but no Matter for that, it was enough that they were Indians, and they had their Deeds. What Riots, Disorders and Confusions, have been in the Province ever since, are too well known to every Body, for us to be particular in them here.

Which Examples in this very Province, we think fully proves by repeated Experience, the Truth of the Observation, that the Committee have stumbled upon.

We said its not so clear, how the Committee came to stumble upon and advance this Truth; But from the slighting the OLD CASE, and starting the NEW CASE, in this their now Publication; their daring to invent and publish so many Falshoods and Slanders, of and concerning the Proprietors in it; and their great Efforts against the Acts that declare Pretences, by Indian Purchases, to be criminal, penal, and void; and their insisting again and again, that King Charles the

Second could not grant Right to the Soil of *New-Jersey*; and that consequently his Grant to the Proprietors thereof is void: It would seem, that they had no less in View, than the repealing of all the Laws against Indian Purchases; and then to have Indian Purchases established by a new Law: Licence or no Licence, in Force or not in Force, these were to be no Obstacles; And that new Law was to be the settled Rule of Property, steadily to be observed: So by this, the Rules of Property, by which the Province was at first settled, and which have hitherto subsisted, and which, by Laws from time to time, have been confirmed; were all to be made void; And the People settled under them, must be put to acquire new Titles, under a new Rule of Property, which was to be established over the Belly of, and in direct Contradiction to, the common Laws of England, and of all civilized Monarchies; which say, that the Crown is the Fountain from which all Right to Lands, within their Dominions respectively, shall be derived: And this, it would seem, they think a Plantation Legislature could and would do, tho' their Power be circumscribed, to make Laws not repugnant to the Laws of Great-Britain: And they must have thought also, that the Crown would patiently bear, that that Jewel, of its being the Fountain of Right to Lands within its Dominions, should be plucked and torn out of it by a Plantation Act: The Absurdity of these Thoughts (which the Committee's Publication doth, in Consequence, disclose that they had) is too obvious to need further enlarging on. And supposing the Thing possible to be done, and that the People would be content to lay aside their old, and to acquire new Titles, and that the Thing were done; we think it could easily be made appear, that it would render the Titles of *New-Jersey*, so precarious and uncertain, that no One could possibly be sure he had a Right to any Lands in it; And in such a Case, its impossible that any Country can be in Peace or Prosperity: And to prevent Uncertainty in Titles, it probably is, that the Wisdom of all Monarchies has placed the Fountain of Right in the Crown; Whereas, were a Purchase of the Indians declared the Fountain of Right, infinite Questions and Doubts must immediately ensue: For, suppose different Persons have Indian Deeds for the same Lands, from different Indians, as many such Cases are in *New-Jersey*; how is it to be determined which of these Deeds gave the Title? Priority of Date ought not; because an Indian, having no Right, granting the first Deed, That ought not to be good against a second Deed from an Indian who had Right; this would necessarily lead the Courts of Justice into the examining the Titles of the Indians, their Laws of Property, and Laws of Descent; and if these were precarious and uncertain, of Consequence all the Titles to Land, proceeding from such Fountains, must be as uncertain: And thus, Uncertainty and Precariousness of Titles, would spread over the Province; old Indian Deeds, found amongst waste Papers, would be daily coming to Light; a Door would be opened to the Forging of such, if none such there were in Reality. To set forth the mischievous Consequences that would obviously follow, were Indian Purchases established as the Fountain of Right, might soon fill a Volume; whereas, deriving all Titles from one indisputable Fountain, the Crown, such Uncertainty and Precariousness is intirely avoided.

The Committee, immediately after their said just and true Observation, cite sundry Passages out of two Treatises of Government, fol. 273; but they keep it to themselves who the Author of those Treatises was; And as there are Multitudes of Treatises of Government, which are commonly distinguished by the Authors Names, by the hiding of that, it may be supposed, they thought we should not be able to detect them, if they falsified in their Citation; as we shall show they have done: After some search, we at last found the Author to be Mr. Lock; and that the first Paragraph cited, is verbatim in his 138 Section, of his Treatise of civil Government: But, instead of the second Paragraph, Mr. Lock has the following Words in the same Section:

"Men, therefore, in Society, having Property, they have such a Right to the Goods which, by the Law of the Community are theirs, that no body can have a Right to take their Substance, or any part of it, from them, without their own Consent; without this, they have no Property at all; for I have no Property in that which another can, by Right, take from me, when he pleases, against my Consent."

As the Committee have not, as yet, got the old Rules of Property abolished, nor their new Rule of Property established in the Place thereof; it seems they did not think proper to insert these Words of Mr. Lock, to wit, to the Goods which, by the

Law of the Community are theirs; and therefore they very candidly leave them out, and put others of their own in the Place thereof, as if these their Words had been the Words of the Author whom they cite: And they do not so much as give us an &c. to denote that any Thing of the Author is omitted; tho' &c.'s by their former Writings, appear to be very familiar to them.

The Reason why they withdraw these Words of Mr. Lock, are obvious, because they now stare them in the Face; for, by no Law of the Community, are the Lands theirs which they pretend to have purchased of the Indians: On the Contrary, by the now Laws of the Community, those Purchases are criminal, penal and void.

But, by the Laws of the Community of England, of which *New-Jersey* is part, and which Laws have subsisted since that Community has been a Monarchy; and, by the Laws of the Community of *New-Jersey*, those Lands belong either to the Proprietors in general, or to the particular Proprietors, to whom they have been divided and set out, as part of their Share, or to their Assigns; and therefore those to whom they so belong by the Laws of the Community, have (by Mr. Lock's Words) Right to take them from the pretended Purchasers when they please against their Consent; and (by Mr. Lock's further Words) those pretended Purchasers have no Property at all in them.

From this Example, and many others before pointed out, we have Reason to suppose, that the careful Extract of the *Newark* Licence, was made by a Man of more Honesty than the Committee: For, had they been to make the Extract, by this Example we see they would have made no Hesitation in leaving out the Condition, and putting other Words of their own in the Place thereof, without any Mark to denote that any Thing was omitted, or interpolated by them: But the Extractor, we see, has been so honest as, by an &c. to give us a Mark to know, that something is there omitted. The honest Extractor, we hear, was that same Doctor JACOB ARENTS of *Newark*; concerning whom we have advertised in 1739 and 1740 (for many Weeks) both in *English* and *Dutch*, in the *New-York Journal*, to caution People against his Practices; which Advertisement is reprinted in our first Publication; and which JACOB ARENTS bragged that he had got Five Pounds from Mr. Taylor, for new vending that Extract from an old Memorandum, that he, the said Jacob, had found among his Papers.

In the Art of Vamping and Forging, we find the Committee, the Scholars, have learnt far to out do JACOB their Teacher; For, it seems, he would only new vamp from old Memorandums; but they scorning such Confinement, have learnt to vamp and forge, without any Memorandum, old or new; Witness the Five Instances before set forth, and the Tales reigning among the Clubmen and their Favourers; witness also, the many other Tales, Forgeries and Falsehoods in their Answer, which by this Publication are evidently pointed out; witness also, those pointed out by our two former Publications, and Mr. Nevill's Speeches to the Assembly.

The Teacher JACOB, only cheated by Tens and Hundreds of Acres; but the worthy Scholars, the Committee, disdaining such low Work, hope to do it by Thousands and Ten Thousands; for there's Land enough, say they, even to this Day. JACOB, as he took the Profit, so he lived with the Name of a Cheat; as he deserved, and died so: But the Committee, to show how far they can out-do JACOB, seem resolved to have the Profit without the Name; For, its but enacting their Injustice and Crimes to be Things just and lawful; and enacting, that what by the now Laws is just and lawful, shall be unjust and criminal. To effect these Things, it would seem they think they have Interest enough; and not Justice, say they, but Interest governs the World. Poor JACOB, being but one alone, never dreamt of bringing his Work to such Perfection; But his Scholars, the Committee, who appear on the Stage, are nine expert Men, with an Assembly Man in the Number, and many Hundreds, even Thousands, say they, of Clubmen at their Command; And who can withstand that Interest? Especially as the worthy Committee and Clubmen have two supernumerary Prompters behind the Curtain,---CLERGYMEN,---who sanctify their Actions! One of them, its said, is the before named Mr. Taylor, a Reverend independent Minister of the Mountains behind *Newark*, Secretary, Scribe and Councillor to the worthy Committee, in their several late Performances in News-Papers, Petitions, Proposals, and Answer now before us; and a worthy Partner with the Committee in the fifteen Mile square Purchase aforesaid, lately (as before is said) for a Five Shilling York Bill, and some Rum, bought of some Indians

Indians who claimed no Right; and yet (if we will take their Words for it) this their Purchase was honestly, duely and legally made; Which Reverend Pastor, its said, makes it as clear as the Sun, in his Sermons to the Committee and Rioters, that all that they have done is authorized by the Bible; for there, he assures them, he has found a *Charter Grant for their Lands*; and even cites Book, Chapter, and Verse for it; and no Man can question that to be *the best Record on Earth*, and all Authority of Man that would derogate from that Charter, is rightly to be resisted and opposed. The other CLERGYMAN, its said, is the Reverend Mr. *John Croft*, late Minister of *Basking-ridge*, Secretary, Scribe, and Councillor to the worthy Mr. *Roberts*, who assumed to be Commander in Chief of the Rioters in their late Expedition to *Pertb-Amboy* on the 17th of *July* last; and for which he, and many others stand indicted of *High Treason*: As to Mr. *Croft's* Character, its too well known in *New-Jersey*, and the neighbouring Provinces, to need our Assistance to put it in its true Light.

These be the Men who have invented, forged, spread and in print published the aforesaid *villainous Charge* against the Proprietors; and who for two Years past, have deluded and incited a great Number of poor ignorant People, to commit numerous Treasons and Riots, and to trample on all Order and Authority; for which Multitudes of them stand indicted and recorded: And tho' they have thus led those poor People into the burning their Fingers; yet they seem resolved to

keep their own, if they can, clear: as they pretend *the many Riots in New-Jersey* are even *unknown to them*; and who now, by their Paper before us, do endeavour to incite the Indians to Violence and Force; and do greatly slander the Laws and Constitution of this Province, and hope to overturn them; and on the Ruins thereof, to build up immense Estates to themselves.---What infamous Names these Men do deserve, we leave to the World to judge and bestow: What Punishment they deserve for their Crimes, we submit to the Laws and Government of this Province.---

There are sundry other Paragraphs in the Committee's Publication, which, we think, deserve little or no Notice to be taken of them; such as, the Excuse for imposing on the Assembly by their *Proposals*; a Fact to their own Knowledge false; and such as, the Excuse for the Committee's Infincerity in those *Proposals* and Professions to the Assembly, of their Readiness to join issue with us; and in their Prayers to the Assembly, that they might have Liberty of Application to the Head and Fountain of Justice, appearing by their trifling with, and disregarding those their own *Proposals*; as in our second Publication: We humbly conceive, those Excuses are so trifling and weak in themselves, that no Reader (of any tollerable Judgment) can fail of seeing it, without our particular pointing it out; or, can think that any Thing in the Committee's Publication, not particularly answered by us, did deserve any Answer from us.

By Order of the Council of Proprietors,

LAWR. SMYTH, Clerk



John Lewis, Aged twenty two years, being duely Sworn on the Holy Evangelists of Almighty God, Deposeth and Saith, that on or about the fourth day of December One thousand Seven hundred and forty Seven, He did deliver to Thomas Bartow, Clerk of the Assembly for the Province of New Jersey (which Assembly was then sitting at Burlington) twenty four Copies of the third publication of the Council of Proprietors of the Eastern Division of New Jersey, which is from page 25 to 39 inclusive, immediately proceeding this, for the Use of each of the Members of the Assembly, who are twenty four in Number, as the Deponent believes; And at the same time delivered to the said Thomas Bartow, One Copy of the preceding Collection, containing a Bill in Chancery, by the said Proprietors, against Some people of Elizabeth Town, and a Set of all the three publications of the said Proprietors, & M. *Novell's* Speeches to the Assembly, fixed together, for the use of the Assembly of the said Province: and the Deponent then told the said Thomas Bartow that the aforesaid Council of Proprietors had sent the said Publications and Collection to him for the uses aforesaid.

Sworn the 27th day of November 1749.
John Lewis

Second could not grant Right to the Soil of *New-Jersey*; and that consequently his Grant to the Proprietors thereof is void: It would seem, that they had no less in View, than the *repealing of all the Laws against Indian Purchases*; and then to have
 5 *Indian Purchases established by a new Law*: Licence or no Licence, in Force or not in Force, these were to be no Obstacles; And that *new Law* was to be the settled Rule of Property, steadily to be observed: So by this, the Rules of Property, by which the Province was at first settled, and which have
 10 hitherto subsisted, and which, by Laws from time to time, have been confirmed; were all to be made void; And the People settled under them, must be put to acquire new Titles, under a new Rule of Property, which was to be established over the Belly of, and in direct Contradiction to, the common Laws
 15 of England, and of all civilized Monarchies; which say, that the Crown is the Fountain from which all Right to Lands, within their Dominions respectively, shall be derived: And this, it would seem, they think a Plantation Legislature could and would do, tho' their Power be circumscribed, to make
 20 Laws not repugnant to the Laws of Great-Britain: And they must have thought also, that the Crown would patiently bear, that that Jewel, of its being the Fountain of Right to Lands within its Dominions, should be plucked and torn out of it by a Plantation Act: The Absurdity of these Thoughts
 25 (which the Committee's Publication doth, in Consequence, disclose that they had) is too obvious to need further enlarging on. And supposing the Thing possible to be done, and that the People would be content to lay aside their old, and to acquire new Titles, and that the Thing were done; we think
 30 it could easily be made appear, that it would render the Titles of *New-Jersey*, so precarious and uncertain, that no One could possibly be sure he had a Right to any Lands in it; And in such a Case, its impossible that any Country can be in Peace or Prosperity: And to prevent Uncertainty in Titles, it probably
 35 is, that the Wisdom of all Monarchies has placed the Fountain of Right in the Crown; Whereas, were a Purchase of the Indians declared the Fountain of Right, infinite Questions and Doubts must immediately ensue: For, suppose different Persons have Indian Deeds for the same Lands, from different
 40 Indians, as many such Cases are in *New-Jersey*; how is it to be determined which of these Deeds gave the Title? Priority of Date ought not; because an Indian, having no Right, granting the first Deed, That ought not to be good against a second Deed from an Indian who had Right; this would necessarily lead the Courts of Justice into the examining the
 45 Titles of the Indians, their Laws of Property, and Laws of Descent; and if these were precarious and uncertain, of Consequence all the Titles to Land, proceeding from such Fountains, must be as uncertain: And thus, Uncertainty and Precariousness of Titles, would spread over the Province; old Indian
 50 Deeds, found amongst waste Papers, would be daily coming to Light; a Door would be opened to the Forging of such, if none such there were in Reality. To set forth the mischievous Consequences that would obviously follow, were Indian
 55 Purchases established as the Fountain of Right, might soon fill a Volume; whereas, deriving all Titles from one indisputable Fountain, the Crown, such Uncertainty and Precariousness is intirely avoided.

The Committee, immediately after their said just and true
 60 Observation, cite sundry Passages out of two Treatises of Government, fol. 273; but they keep it to themselves who the Author of those Treatises was; And as there are Multitudes of Treatises of Government, which are commonly distinguished by the Authors Names, by the hiding of that, it may
 65 be supposed, they thought we should not be able to detect them, if they falsified in their Citation; as we shall show they have done: After some search, we at last found the Author to be Mr. Lock; and that the first Paragraph cited, is verbatim in his 138 Section, of his *Treatise of civil Government*: But, instead of the second Paragraph, Mr. Lock has
 70 the following Words in the same Section:

“Men, therefore, in Society, having Property, they have
 “such a Right to the Goods which, by the Law of the Community
 “are theirs, that no body can have a Right to take their Sub-
 75 “stance, or any part of it, from them, without their own
 “Consent; without this, they have no Property at all; for
 “I have no Property in that which another can, by Right,
 “take from me, when he pleases, against my Consent.”

As the Committee have not, as yet, got the old Rules of Property abolished, nor their new Rule of Property established in
 80 the Place thereof; it seems they did not think proper to insert these Words of Mr. Lock, to wit, to the Goods which, by the

Law of the Community are theirs; and therefore they very candidly leave them out, and put others of their own in the Place thereof, as if these their Words had been the Words of the Author whom they cite: And they do not so much as
 5 give us an &c. to denote that any Thing of the Author is omitted; tho' &c.'s by their former Writings, appear to be very familiar to them.

The Reason why they withdraw these Words of Mr. Lock, are obvious, because they now stare them in the Face; for, by no Law of the Community, are the Lands theirs which they
 10 pretend to have purchased of the Indians: On the Contrary, by the now Laws of the Community, those Purchases are criminal, penal and void.

But, by the Laws of the Community of England, of which *New-Jersey* is part, and which Laws have subsisted since that
 15 Community has been a Monarchy; and, by the Laws of the Community of *New-Jersey*, those Lands belong either to the Proprietors in general, or to the particular Proprietors, to whom they have been divided and set out, as part of their
 20 Share, or to their Assigns; and therefore those to whom they so belong by the Laws of the Community, have (by Mr. Lock's Words) Right to take them from the pretended Purchasers when they please against their Consent; and (by Mr. Lock's further
 25 Words) those pretended Purchasers have no Property at all in them.

From this Example, and many others before pointed out, we
 30 have Reason to suppose, that the careful Extract of the *Newark Licence*, was made by a Man of more Honesty than the Committee: For, had they been to make the Extract, by this Example we see they would have made no Hesitation in leaving out the Condition, and putting other Words of their own in the
 35 Place thereof, without any Mark to denote that any Thing was omitted, or interpolated by them: But the Extractor, we see, has been so honest as, by an &c. to give us a Mark to know, that something is there omitted. The honest Extractor, we hear, was that same Doctor JACOB ARENTS
 40 of *Newark*; concerning whom we have advertised in 1739 and 1740 (for many Weeks) both in *English* and *Dutch*, in the *New-York Journal*, to caution People against his Practices; which Advertisement is reprinted in our first Publication; and which JACOB ARENTS bragged that he had got
 45 Five Pounds from Mr. Taylor, for new vamping that Extract from an old Memorandum, that he, the said Jacob, had found among his Papers.

In the Art of Vamping and Forging, we find the Committee, the Scholars, have learnt far to out do JACOB their Teacher; 45
 For, it seems, he would only new vamp from old Memorandums; but they scorning such Confinement, have learnt to vamp and forge, without any Memorandum, old or new; Witness the Five Instances before set forth, and the Tales reigning among the Clubmen and their Favourers; witness also, the
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Sworn the 27th day of November 1749.
In: Alexander

John Lewis.

March 7, 1747-8

THE

NUMB. 268

NEW-YORK
REVIVED
WEEKLY



GAZETTE,
IN THE
POST-BOY

With the freshest Advices

Foreign and Domestick.

Mr. Parker,

A Friend at Burlington has lately sent me a short Account of the Proceedings of the Legislature there, for restoring the Peace of the Province of New Jersey. His Letter, so far as relates to that Head, if you will publish, I don't doubt will be agreeable to many of your Readers; as the Riots and Disturbances there, have for some Years past, made some Noise in the World.

SIR,

Burlington, February 19th. 1747-8.

YESTERDAY ended the Session of Assembly here, during which many good Laws have passed, for the Benefit of New Jersey; three of them are made for restoring the Peace of the Province, and preventing the like Riots and Disturbances for the Future, which have been much too frequently of late, committed.

One of these, is an Act to pardon the past Disturbers, upon Condition, that such as have been prosecuted, do, within Six Months, take the Oaths to his Majesty's Government, pay the Costs of Prosecution, give their own Bonds, each in 100 l. Penalty, to be of the good Behaviour for three Years, and restore what Possessions they have forcibly taken or detained. Another of these Laws, is an Act to inflict Penalties or Imprisonments upon Persons that shall be guilty of any of the like Disturbances for the Future.

The third, is an Act declaring, that the many Slanders which have been invented and spread, of Persons, and Titles of Land, have been a chief Cause of stirring up, and continuing of the past Disturbances; and that, as those Slanders have been answered, so that the Slandered can receive little or no Damage thereby: Therefore, to prevent the Multitudes of Actions that might be brought for the reporting of those Slanders, and for better restoring the Peace of the Province, all Slanders for three Years past, are forgiven, and the Actions taken away. The same Act further sets forth, that as Multitudes of Actions may be brought, for Damages done, during the Time of the past Disturbances, which the Legislature doubted not, might be rendered needless, by giving some short Time for the Guilty to make amicable Recompence to the Injured: Therefore all Actions of Trespas, of Trespas and Ejectment, for Assaults, Batteries, Woundings, Rescues, Asportation and Conversion of Goods and Chattels, against such as shall be intitled to the Pardon before mentioned, are stayed till the first Day of October next; provided, that if any Person will make Oath, that he is afraid he shall lose his Damages by such Stay, upon his filing such Affidavit, he may proceed so far as to oblige the Defendant to give good Bail, or be committed.

Besides these three Laws passed by the whole Legislature, the House of Assembly in particular, have made a Vote of Credit for paying the Charge of raising and marching the Militia, for suppressing any Insurrections or Rebellions within this Province, and for repelling any Invasion upon this Province by foreign Enemies; and for assisting the neighbouring Provinces, in Case they should be so invaded.

These Things, its hoped, may restore and preserve the Peace of New-Jersey; and as I hear it's intended, that the Legislature is to stand upon short Adjournments, if any Thing further appears wanting, it's not doubted but that they will, in such Case, soon meet to provide it.

Herewith you have a Copy of the Speech made by his Excellency our Governor, on the close of the Session.

I am, &c.

His Excellency's SPEECH.

Gentlemen of the Council, and of the General Assembly,

AT the first Opening of this Session, it seemed to me, big with Difficulties, from almost an intire Stagnation of all Affairs of Government in this Province, for above three Years past; yet I was willing to hope and persevere, for compassing those Things that might bring the Province out of their Confusions.

It is then, with much Satisfaction, I look back on the Course of your Proceedings, in that, the Members of his Majesty's Council, and of the General Assembly, each in their respective Branches of the Legislature; as well as the Council and the Assembly, with each other, have with so good an Unanimity, come into most of the Things I recommended at your first coming together, as well as into others of Importance to the People: And as I have given my Assent to the several Bills you have laid before me, that they may become Laws of this Province; You may assuredly depend on my representing them in a just and reasonable Light to the King's Ministers, in order to their obtaining the Royal Sanction.

I hope, Gentlemen, such as have been so long concerned in the repeated Riots and Disorders of the Province, as well the Heads, Advisers and Abettors, as Numbers that have been deluded by them, will, from the Lenity of his Majesty's Government, extended to them at this Time, with great Gratitude, return to their Duty to the King, and behave with all Obedience to the Government his Majesty has more immediately placed over them, and will cheerfully submit themselves to the salutary Laws of this Province; and in a steady Practice of these Things, they will approve themselves worthy of the Favour they have received from their Rulers; and if Persons of all Ranks and Orders among us, will endeavour to become Patterns of Virtue and good Religion, in their Lives and Conversations, we may hope for the Blessing of Almighty God, to make Nova Casarea, or New-Jersey, a happy and flourishing Province; and to contribute to it, I shall embrace all Opportunities that shall fall in my Power.

Gentlemen, after your long Attendance in a very difficult Season, on the publick Affairs; I now wish you well to the Places of your Abode, where I doubt not, but you will in your several Stations, do what in you lies, to strengthen the Hands of the Government, and to promote Peace and good Order among the People.

Burlington, February 18. 1747-8.

J. BELCHER.

Extract from the Votes of the General Assembly of New-York.

Die Martis, 1st March, 1747 8.

A Message from his Excellency by Mr. Banyar, Dep. Secretary; which being read, is in the Words following, viz.

GENTLEMEN,

I Have ordered an Extract of a Letter from his Grace the Duke of Newcastle to Governor Shirley, dated 3d of October, 1747, to be laid before you, by which you will perceive his Majesty's gracious Intentions toward these Colonies; and as the necessary Measures to be taken, in Consequence of his Majesty's Directions for the Protection and Defence of the Six Indian Nations, and for preserving their Friendship, and keeping them strictly and inseparably allied to his Majesty, cannot but have a very good Effect, and must raise a hearty Disposition in them, to join with us in any Attempt against the common Enemy; I think this favourable Opportunity to concert and carry into Execution some vigorous Enterprize, ought not to be lost; therefore I hope you will on your Parts, concur cheerfully with the other Governments, in taking Advantages of this critical Juncture.

Fort George in the City of
New-York, 1st March, 1747.

G. CLINTON.

NEW YORK
REVIVED
WEEKLY
JANUARY 1878



